

25 APRIL 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pres. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1097	2495		Comment of the Foreign Office Authorities re the Chinese Reply		20803
1101	2406		Talk by a Foreign Office Spokesman on 20 July 1937 re Negotiations carried out in Nanking		20805
1125	2497		Address of Mr. Koki HIROTA, Minister of Foreign Affairs at the 71st Session of the Diet on 27 July 1937		20816
<u>MORNING RECESS</u>					20824
1093	2498		Affidavit of KAYASHIMA, Takashi		20830
1139	2499		Affidavit of KATSURA, Shizuo		20840
1140	2500		Affidavit of SAKURAI, Fumio		20848
<u>NOON RECESS</u>					20848
1140-A	2500-A)		Pictures		20854
1140-B	2500-B)				20854
1140-C	2500-C)				20854
1104	2501		Report of the Foreign Office, received on the night of 1 August from Consul-General HORIUCHI at Tientsin		20863

I N D E X

of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
331	2502		Address of Mr. Koki HIROTA, Minister for Foreign Affairs at the 72nd Session of the Diet on 5 September 1937		20868
1117	2503		Statement of the Minister for Foreign Affairs to the Press, dated 2 September 1937		20873
			<u>AFTERNOON RECESS</u>		20880
1168	2504		Excerpt from "China Memoires, continued" dated 10 July 1937	20885	
			(Rejected - p. 20886)		

25 APRIL 1947

INDEX
of
WITNESSES

Defense' Witnesses

	<u>Page</u>
KAYASHIMA, Takashi	20827
Direct by Mr. Levin	20827
Cross by Mr. Sutton	20835
(Witness excused)	20838
KATSURA, Shizuo	20839
Direct by Mr. Levin	20839
(Witness excused)	20847
SAKURAI, Fumio	20847
Direct by Mr. Levin	20847
Direct by Dr. KANZAKI (cont'd)	20850
(Witness excused)	20859

1 Friday, 25 April 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, same as before.

13 For the Prosecution Section, same as before.

14 For the Defense Section, same as before.

15 - - -

16 (English to Japanese and Japanese
17 to English interpretation was made by the
18 Language Section, IMTFE.)
19
20
21
22
23
24
25

D
u
d
a
&
W
h
a
l
e
n

1 MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All the accused are present
3 except TOGO and HIRANUMA. The surgeon of the prison
4 at Sugamo certifies that they are too ill to attend
5 the trial today. The certificates will be recorded
6 and filed. They are represented by counsel.

7 DR. KANZAKI: I have a word to submit to the
8 Court, your Honor.

9 As the chairman of the China phase I have been
10 collecting evidences for the phase. As to the selection
11 of these evidences and processing them in order to submit
12 to the Court have been my sole responsibility. In
13 view of the special character -- special nature of the
14 Court, I endeavored not to be restricted by the regulations
15 concerning the presentation of the evidence so
16 much as choosing them according to the examples set
17 by the prosecution. And, therefore, I have been collecting
18 evidences from books, magazines and newspapers
19 so far as they had any connection with the cases in
20 issue.

21 THE MONITOR: Slight correction: So far as
22 they seem to have probative value.

23 THE PRESIDENT: The Court will deal with your
24 evidence as it dealt with the prosecution. There will
25

1 be no difference in treatment. There is no need for
2 your explanation. Proceed to open your evidence, if
3 you propose to do so, and tender your documents and
4 witnesses in the usual way.

5 DR. KANZAKI: Yes, your Honor.

6 MR. LEVIN: Mr. President--

7 THE PRESIDENT: Mr. Levin.

8 MR. LEVIN: In conformity with the request
9 of the Tribunal, I direct the attention to page 20,682
10 of the record which has a reference to exhibit 2492,
11 13 July 1937. At page 20,623 there is a reference to
12 exhibit 2493. And we will make further search in rela-
13 tion to exhibit 2494 and advise the Court.

14 Now, I desire to offer in evidence defense
15 document No. 1097, which is a comment of Foreign Office
16 authorities of July 20, 1937, in regard to the Chinese
17 reply of July 19.

18 THE PRESIDENT: Brigadier Nolan.

19 BRIGADIER NOLAN: May it please the Tribunal,
20 there is nothing to distinguish this document from the
21 other press releases which have been rejected by the
22 Tribunal.

23 MR. LEVIN: Mr. President, it seems to me that
24 there is a distinction in these documents, and that is
25 that this constitutes the direct comment and reply of

1 the Foreign Office rather than a statement by a spokes-
2 man.

3 THE PRESIDENT: It seems to be nothing but
4 argument from the Japanese viewpoint; propaganda, in
5 short.

6 MR. LEVIN: I would like to direct the atten-
7 tion of the Tribunal especially to paragraph 2 on page
8 2, and the following paragraph; and also paragraph 3.
9 It is possible that maybe paragraph 1, or rather para-
10 graph 2 on the first page may be the type of thing
11 that the President has characterized as propaganda,
12 but it seems to me that the other portions of it are
13 statements of fact. And, of course, it is an official
14 document of the Foreign Office.

15 There are many self-serving statements which
16 are properly made which may be designated in various
17 ways.

18 THE PRESIDENT: Except as regards the first
19 twelve lines of the document, the Court upholds the
20 objection and rejects the document.

21 The objection is upheld in part only. The
22 first twelve lines of the document are admitted on the
23 usual terms; twelve lines exclusive of the heading and
24 date.

25 CLERK OF THE COURT: Defense document 1097

1 will receive exhibit No. 2495.

2 (Whereupon, the document above re-
3 ferred to was marked defense exhibit No. 2495,
4 and the first twelve lines received in evidence.)

5 MR. LEVIN: (Reading) "The main points of
6 the Japanese memorandum sent to the Nanking Government
7 through acting Ambassador HIDAKA were:

8 "1. The Nanking Government should not ob-
9 struct the execution of the agreement reached on the
10 spot.

11 "2. The Nanking Government should stop all
12 hostile movements against Japan.

13 "The main points of the reply made on July 19
14 by the Nanking Government were: 1, simultaneous with-
15 drawal of the Chinese and Japanese troops to original
16 positions; 2, solution by diplomatic negotiations; 3,
17 the necessity of authorization by the Nanking Government
18 for any agreement on the spot."

19 THE PRESIDENT: That is the end of the twelve
20 lines.
21
22
23
24
25

1 MR. LEVIN: We next offer in evidence defense
2 document No. 1101, which is a talk by a Foreign Office
3 spokesman on July 20, 1937, concerning negotiations
4 carried out in Nanking.

5 THE PRESIDENT: Brigadier Nolan.

6 BRIGADIER NOLAN: If it please the Tribunal,
7 the prosecution objects to this document. It is
8 precisely the same as other documents which have been
9 rejected, the talk of a Foreign Office spokesman to
10 the press.

11 MR. LEVIN: Mr. President, this is an official
12 statement of the Foreign Office. We believe it has
13 probative value and should be admitted in evidence.
14 And it seems to us it is admissible under the Charter
15 and it is a question of weight, not admissibility.

16 THE PRESIDENT: It purports to be a statement
17 of facts and not of arguments.

18 MR. LEVIN: It is a complete statement of
19 fact, it seems to me, and indicates the discussions
20 that took place between the various parties.

21 THE PRESIDENT: By a majority the Court over-
22 rules the objection and allows the document on the
23 usual terms.
24

25 CLERK OF THE COURT: Defense document 1101
will receive exhibit No. 2496.

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2496 and received in evidence.)

4 MR. LEVIN: (Reading) Talk of Foreign Office
5 Spokesman on the Negotiation carried out in Nanking.
6 (July 20, 1937).

7 "Late on the night of July 17, the Japanese
8 Counsellor, HIDAKA, called on the Chinese Foreign
9 Minister, Wang-Chunghui, and handed to him a memoran-
10 dum in which the Japanese Government urged upon the
11 Nanking Government not to interfere with the execu-
12 tion of the agreement arrived at on the spot and to
13 suspend immediately all military movements against
14 Japan. Foreign Minister Wang told Counsellor HIDAKA
15 that he would be able to reply by Monday July 19.

16 "At 2:30 p.m. July 19, Tung-Taoning, Chief
17 of the First Section of the Asiatic Bureau, by order
18 of the Foreign Minister of the Nanking Government,
19 called on the Japanese Counsellor, HIDAKA, at the
20 latter's office and handed an aide-memoire after
21 reading it aloud to him.

22 "1. HIDAKA asked Tung of it were a reply
23 to the Japanese memorandum presented to Foreign
24 Minister Wang. Tung answered that he brought it
25 merely by order of the Foreign Minister. Then HIDAKA

1 (Whereupon, the document above
2 referred to was marked defense exhibit
3 No. 2496 and received in evidence.)

4 MR. LEVIN: (Reading) Talk of Foreign Office
5 Spokesman on the Negotiation carried out in Nanking.
6 (July 20, 1937).

7 "Late on the night of July 17, the Japanese
8 Counsellor, HIDAKA, called on the Chinese Foreign
9 Minister, Wang-Chunghui, and handed to him a memoran-
10 dum in which the Japanese Government urged upon the
11 Nanking Government not to interfere with the execu-
12 tion of the agreement arrived at on the spot and to
13 suspend immediately all military movements against
14 Japan. Foreign Minister Wang told Counsellor HIDAKA
15 that he would be able to reply by Monday July 19.

16 "At 2:30 p.m. July 19, Tung-Taoning, Chief
17 of the First Section of the Asiatic Bureau, by order
18 of the Foreign Minister of the Nanking Government,
19 called on the Japanese Counsellor, HIDAKA, at the
20 latter's office and handed an aide-memoire after
21 reading it aloud to him.

22 "1. HIDAKA asked Tung of it were a reply
23 to the Japanese memorandum presented to Foreign
24 Minister Wang. Tung answered that he brought it
25 merely by order of the Foreign Minister. Then HIDAKA

1 told Tung that he would receive it as a reply from
2 the Minister Wang, but if it were not, he would expect
3 to hear again from Mr. Wang within the day.

4 "2. HIDAKA pointed out that the aide-memoire
5 seemed to mean that the Chinese would not suspend their
6 military movements before the date to be agreed upon,
7 that is, they would not immediately suspend those
8 actions.

9 "3. Counsellor HIDAKA also pointed out that
10 while the Chinese aide-memoire might be construed as
11 not refusing to recognize a local settlement, it did
12 not make clear whether or not the Nanking Government
13 intended to interfere with the carrying out of the
14 terms of settlement.

15 "HIDAKA requested Tung to report to Foreign
16 Minister Wang on the above three points, which Tung
17 agreed to do.

18 "Repeatedly stressing the gravity of the
19 situation, HIDAKA called the attention of Tung to the
20 fact that, in his private opinion, the Chinese reply
21 on the present issue was of far greater importance
22 than the Chinese Government appeared to think."

23 Next we offer in evidence defense document
24 No. 1100, which is a talk of the Foreign Office spokes-
25 man made on July 20, 1937, concerning fire discharged

1 by Chinese troops upon Japanese sentinels near
2 Wu-Litien.

3 THE PRESIDENT: Brigadier Nolan.

4 BRIGADIER NOLAN: May it please the Tribunal,
5 an examination of this document No. 1100 discloses
6 that it is pure propaganda and nothing else. The
7 prosecution objects to this document being introduced
8 in evidence for the reasons that we have urged in respect
9 of documents of a similar kind.

10 MR. LEVIN: I cannot see how this document
11 can be termed as propaganda. It is a statement of
12 three actual facts, occurrences, that took place and
13 were reported to the Japanese Government, and states
14 those facts.

15 THE PRESIDENT: By a majority the Court
16 upholds the objection and rejects the document.

17 MR. LEVIN: I now offer in evidence document
18 No. 1099, which is a statement in regard to the Lang
19 Fang Incident, taken from the official records of the
20 Foreign Office.

21 THE PRESIDENT: Brigadier Nolan.

22 BRIGADIER NOLAN: May it please the Tribunal,
23 we object to this document. It is a document again
24 painting the picture from the Japanese point of view
25 on matters which are in dispute before this Tribunal

1 and which cannot be decided by a statement in English
2 found in the Japanese Foreign Office.

3 MR. LEVIN: Mr. President, I believe this
4 document is a statement of facts. It is quite true
5 that it does paint the Japanese picture, and it is a
6 picture which we are attempting to present.

7 I would especially like to direct the attention
8 of the Tribunal to the first two sentences of this
9 document and also the balance of the document is in
10 keeping generally with the statement in those two
11 sentences and bears out the fact that these are state-
12 ments of fact as to occurrences at or about that time
13 in China.

14 THE PRESIDENT: These are declarations by the
15 Japanese in their own favor and they should be supported
16 by calling the person who can testify to the things
17 stated.

18 MR. LEVIN: Well, may it please the Court,
19 where you have an official document in the archives of
20 the government, itself, in relation to the activities
21 of the army, it seems to me that has great probative
22 value and should be admitted in evidence.

23 It has often been stated here that the ordinary
24 rules of evidence do not apply and many items of evi-
25 dence are admitted under the terms of the Charter which

1 could not ordinarily be admitted in a national court.

2 THE PRESIDENT: Well, admissions can always
3 be proved that way. But these declarations in one's
4 own interest or favor are in a different category, as
5 I frequently pointed out with the full concurrence
6 of other Members of the Court. The test is always
7 probative value, apart altogether from any rules of
8 evidence.

9 MR. LEVIN: It has just been pointed out to
10 me, Mr. President, they are made in favor not of the
11 person who made them.

12 THE PRESIDENT: Their interests are identical
13 here.

14 By a majority, the Court upholds the objection
15 and rejects the document.

16 MR. LEVIN: We now offer in evidence defense
17 document No. 1066, taken from weekly news compiled
18 by the Information Bureau, issue of July 1937,
19 appearing in No. 41 of the Weekly News. This is a
20 statement of the activities of the Chinese and
21 Japanese armies in and around the Marco Polo Bridge.

22 THE PRESIDENT: I should like to read the
23 views of a Member of the Court on the order of pro-
24 bative value, which are very enlightening, if I may
25 respectfully say so.

1 "(1) A person present who gives a credible
2 account.

3 "(2) Dispatches of commanders in the field
4 to Tokyo.

5 "(3) Versions of (1) or (2) for public or
6 enemy consumption are not of any probative value."

7 The objection is upheld and the document
8 rejected.

9 MR. LEVIN: "We now offer in evidence --

0 THE PRESIDENT: Identical views have been
1 expressed by another Member of the Court. They have
2 the same rating without any prior conference in the
3 matter.

4 There is another Justice who says "These self-
5 serving statements are not admissible."

6 I am dealing fully with this matter because
7 of its importance and the frequency with which it
8 arises.

9 MR. LEVIN: In view of the importance of the
0 matter, Mr. President, it is possible that other
1 counsel would like to argue this matter later on, and
2 I am wondering whether or not an opportunity would be
3 given for that purpose.

1. "(1) A person present who gives a credible
2 account.

3 "(2) Dispatches of commanders in the field
4 to Tokyo.

5 "(3) Versions of (1) or (2) for public or
6 enemy consumption are not of any probative value."

7 The objection is upheld and the document
8 rejected.

9 MR. LEVIN: "We now offer in evidence --

10 THE PRESIDENT: Identical views have been
11 expressed by another Member of the Court. They have
12 the same rating without any prior conference in the
13 matter.

14 There is another Justice who says "These self-
15 serving statements are not admissible."

16 I am dealing fully with this matter because
17 of its importance and the frequency with which it
18 arises.

19 MR. LEVIN: In view of the importance of the
20 matter, Mr. President, it is possible that other
21 counsel would like to argue this matter later on, and
22 I am wondering whether or not an opportunity would be
23 given for that purpose.
24
25

1 "(1) A person present who gives a credible
2 account.

3 "(2) Dispatches of commanders in the field
4 to Tokyo.

5 "(3) Versions of (1) or (2) for public or
6 enemy consumption are not of any probative value."

7 The objection is upheld and the document
8 rejected.

9 MR. LEVIN: We now offer in evidence--

10 THE PRESIDENT: Identical views have been
11 expressed by another Member of the Court. They have
12 the same rating without any prior conference in the
13 matter.

14 There is another Justice says "These self-
15 serving statements are not admissible."

16 I am dealing fully with this matter because
17 of its importance and the frequency with which it
18 arises.

19 MR. LEVIN: In view of the importance of the
20 matter, Mr. President, it is possible that other
21 counsel would like to argue this matter later on, and
22 I am wondering whether or not an opportunity would be
23 given for that purpose.
24
25

S
p
r
a
t
t
&
Y
e
l
d
e
n

1 THE PRESIDENT: No, we are not likely to do
2 that. We have considered this matter very seriously.
3 We will not depart from the rules for hearing counsel
4 that we have laid down.

5 MR. BROOKS: Mr. President, might we ask
6 for certain guidance on this matter because we will
7 be screening further documents and it would be of
8 assistance to us if we have further explanation of
9 what is really called self-serving. I fail to see how
10 some of these documents are construed as self-serving.
11 It can be said that they were made by the witness--

12 THE PRESIDENT: It is not possible for the
13 Tribunal to make itself clearer than it has already
14 done. Nothing is left in doubt.

15 MR. BROOKS: It may not be in doubt to the
16 Tribunal but it certainly is to at least one if not
17 three or four of the defense counsel as to what is
18 self-serving. Some of these documents are self-
19 serving in the sense that they justify or show that
20 there is a defense in our estimation the same as any
21 other evidence in behalf of the prosecution would be
22 self-serving.

23 We think it might be classed as self-serving
24 if it was, as the Court has said, propaganda not based
25 upon facts. That may be what the Court has in mind

1 and if so it is hard for us to tell when we have
2 certain facts and witnesses that correspond to the
3 evidence that is being put in in relation to it
4 whether it is propaganda and I don't see how the
5 Court can determine what is propaganda until all the
6 evidence in the trial is before it.

7 THE PRESIDENT: It is just as reasonable
8 for you to say the Court cannot until the end of the
9 evidence determine what has probative value and there-
10 fore must admit everything.

11 MR. BROOKS: The other point, your Honor,
12 that I wish to make is that regardless whether this
13 was propaganda or not they are official statements
14 of record and upon which a number of these defendants
15 relied whether they were true or untrue and that is
16 something that is strongly to be considered in their
17 defense because they had to take the word of their
18 government.

19 THE PRESIDENT: You wanted to know what self-
20 serving meant, Captain Brooks. You are indebted to
21 a Member of the Tribunal for this statement of the
22 law from American Jurisprudence, Volume 20, page 558 --
23 correction: page 470, section 558: "There is a
24 general rule that self-serving declarations defined
25 as statements favorable to the interest of the

1 declarant are not admissible in evidence as proof
2 of the facts asserted."

3 Another Member of the Tribunal puts his
4 views this way and he was the Member responsible
5 for the first statement I read: "Public declarations
6 of alleged facts by the Japanese Government which are
7 to be circulated through the press for other and
8 even enemy countries cannot be accepted as candid
9 or complete so as to possess probative value."

10 Another Member puts his views this way:
11 "I would not allow a departmental account of military
12 action which presumably is susceptible of proof by
13 witnesses."

14 We must get the best evidence available.
15 This upon the vital question of the responsibility
16 for the China Incident.

17 Of course, when an accused goes into the
18 box he may state by what he was influenced in his
19 conduct and he may well rely upon what we now regard
20 as self-serving declarations. He will be able to say
21 exactly what influenced him to do what he did or to
22 omit to do anything he failed to do and should have
23 done otherwise.

24 Now we have given you a fair hearing, Captain
25 Brooks. You have taken over the lectern from counsel

1 in charge of this particular phase.

2 MR. BROOKS: I appreciate that, your Honor,
3 and I understood the law as quoted by the Court, but
4 the word declarant is what is uppermost in our minds
5 because the Japanese Government, as we understand it,
6 is not on trial here and some of these are by spokes-
7 men of the Government, and that is why I brought that
8 in mind. If it had been made by the accused as a
9 declarant as his self-serving declaration I think we
10 could agree with you on some of these documents that
11 have been screened. It looks like a different rule
12 would rule out press releases of the Allied countries
13 by their spokesmen which have been admitted. Some of
14 the documents which have been rejected, at the time
15 that they were made the Japanese Government was not
16 an enemy nation. Now, as to the--

17 THE PRESIDENT: Captain Brooks, we do insist
18 on Mr. Levin's resuming the case.

19 MR. BROOKS: If the Court please, I had only
20 one more brief statement and I was through. The other
21 point is, the reason: Witnesses can change their
22 stories here on the stand and since these statements
23 were made by Foreign Office spokesmen and were recorded
24 at the time and are official documents we thought that
25 they would be much more beneficial than a witness, and

1 witnesses will be put in conjunction with this evi-
2 dence.

3 THE PRESIDENT: I have already said the
4 accused can prove that they acted in an honest and
5 reasonable, even though mistaken, belief. Any evi-
6 dence which shows they didn't have guilty minds is
7 relevant to the issues. In that way they are fully
8 protected.

9 MR. LEVIN: I desire to state that several
10 of the defense counsel do not agree with the state-
11 ment of Mr. Brooks to the effect that certain evidence
12 might not be admissible.

13 MR. BROOKS: I was speaking of the general
14 rule, your Honor. I know there are certain exceptions
15 and I think the Court was considering the general rule
16 on that too.

17 MR. LEVIN: The defense now offers in evidence
18 defense document No. 169, being an informal statement
19 made on July 27, 1937, by the Chief Secretary of the
20 Cabinet expressing the views of the Japanese Government.

21 THE PRESIDENT: Brigadier Nolan.

22 BRIGADIER NOLAN: May it please the Tribunal,
23 we object to this document on the grounds that we have
24 put forth in respect of the earlier documents which
25 have been rejected by the Tribunal.

1 THE PRESIDENT: We understand these phases,
2 these five defense phases, like the twelve prosecution
3 phases are directed to establish the actual facts,
4 what events actually took place and how they occurred,
5 who was responsible. The accused will not be confined
6 to showing just what the facts were but can extend
7 their evidence to what they honestly believed, thus
8 excluding guilty minds if they are capable of doing
9 so.

10 MR. LEVIN: I have nothing to add, Mr.
11 President, except to state that this document consists
12 of showing the entire picture and is the best evidence
13 under the circumstances.

14 THE PRESIDENT: By a majority the Tribunal
15 upholds the objection and rejects the document.

16 MR. LEVIN: We next offer in evidence
17 defense document No. 1125 which is an address of
18 Minister for Foreign Affairs HIROTA at the 71st
19 session of the Diet on July 27, 1937.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document No. 1125
22 will receive exhibit No. 2497.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 2497 and received in evidence.)

1 MR. LEVIN (Reading): "I am happy to
2 have this opportunity today of stating my views
3 concerning the foreign relations of Japan.

4 "It is not necessary for me to expatiate
5 afresh on our national policy, which aims at
6 securing Japan's position as a stabilizing force
7 in East Asia, and contributing toward the
8 establishment of true peace throughout the world.
9 I believe that in order to carry out this policy
10 we should, first of all, consider the relations be-
11 tween Japan, Manchoukuo, China, and the Soviet
12 Union.

13 "In surveying the conditions of present
14 day China, our Government cannot but profoundly
15 regret to note that anti-Japanese sentiments and
16 movements have been encouraged and systematically
17 exploited for the purpose of unifying public
18 opinion and arousing nationalistic consciousness,
19 and that untoward incidents evidently resulting
20 therefrom are taking place in various quarters
21 in China. At the time of the Chengtu Incident last
22 year, the Japanese Government took occasion to ask
23 the Chinese to rectify their attitude towards
24 Japan, which constituted the fundamental obstacle
25 to friendly intercourse between Japan and China,

1 and to invite the Nanking Government to demon-
2 strate their sincerity regarding the concrete
3 questions bound up with the amelioration of the
4 relations between the two countries. Unfortu-
5 nately, as you know, the negotiations came to an
6 impasse, owing to Chinese recalcitrance. Since
7 then, Sino-Japanese relations have been, frankly
8 speaking, far from satisfactory. I need not
9 report here that Japanese policy in East Asia
10 is directed solely toward the realization of the
11 stability of that region through conciliation and
12 cooperation between Japan, Manchoukuo and China,
13 and by stopping the Communist invasion of the
14 Orient. The Japanese Government therefore earnest-
15 ly hope that China will, as soon as possible,
16 come to have a full understanding and appreciation
17 of our basic policy.

18 "Today in China not only is such under-
19 standing or appreciation absent, but anti-Japanese
20 sentiments have been still more intensified, of
21 which the Lukouchiao Incident of the 7th of this
22 month was only the logical consequence. As re-
23 gards the present incident, the Japanese Govern-
24 ment have maintained, as announced in their
25 official statement of July 11th, a policy of

1 seeking a settlement on the spot and nonaggravation
2 of the situation. Accordingly, the Government have
3 been doing their best to effect a peaceful local
4 solution, and at the same time to induce the Nanking
5 Government to take proper steps for an early settle-
6 ment of the question. It is my earnest hope that
7 prompt reconsideration on the part of the Chinese
8 authorities will lead to a faithful execution of
9 the terms of settlement arrived at on the night
10 of July 11th. The governments of the Powers have
11 been informed in detail through our diplomatic
12 representatives of this policy of the Japanese
13 Government, and I believe they understand fully
14 Japan's attitude of patience and self-restraint.
15 On the other hand, there is no knowing what will
16 be the possible repercussions among the Chinese
17 masses, dependent as this is upon what stand the
18 Nanking Government may take. There exists, it
19 must be admitted, the danger of an untoward out-
20 break at any moment. We have more than once
21 called the attention of both the Chinese central
22 government and the local authorities to the
23 necessity for control of anti-Japanese activities
24 and protection of our nationals in China. In
25 order to insure the safety of our fellow-countrymen

1 the Japanese Government are prepared to use all avail-
2 able means which may be called for by the development
3 of the situation. Thus, in a word, China holds the key
4 to the settlement of the present incident, as it de-
5 pends entirely upon what course she may choose to
6 follow. I confidently hope that the Nanking Government
7 will adopt such effective and appropriate measures as
8 will accord with our desire and bring about an early
9 and amicable settlement.

10 "The Government are giving careful consider-
11 ation to our relations with the Soviet Union. Inci-
12 dents have continued to occur along the Manchoukuo-
13 Soviet frontier. The most serious case was the recent
14 illicit invasion and occupation of Manchoukuo islands
15 in the Amur, which led to an armed clash of the Japanese-
16 Manchoukuo forces with the Soviet intruders. The
17 situation threatened for a time to develop into one
18 of extreme gravity. However, the affair ended, as you
19 know, in a peaceful settlement, the Soviet Government
20 agreeing to restore the status quo ante in that region.
21 The Japanese Government are deeply concerned over the
22 state of things on the Manchoukuo-Soviet frontier,
23 which gives rise to frequent friction. What is need-
24 ed first of all is to take practical steps to prevent these
25

1 border disputes. For that purpose, we should
2 lose no time in setting up these two commissions
3 for the demarkation of the border line and the
4 settlement of disputes, which for some years
5 past have been under consideration, and also
6 devise other means of removing the tension all
7 along the frontier. I cannot but urge most
8 strongly upon the Soviet Government to cooperate
9 freely and unreservedly with us in this task for
10 the sake of the peace of East Asia.

11 "Again, it is a matter of no small con-
12 cern for the Government whether or not our nationals
13 engaged in fishery in the northern waters and those
14 having oil and coal concessions in North Saghalien
15 are to be accorded full guarantees for the legiti-
16 mate operation of their enterprises. It is our
17 policy never to tolerate the creation of any such
18 circumstances as will in substance destroy those
19 enterprises sanctioned, as they are, by treaty.
20 In short, there remains between Japan and the
21 Soviet Union a number of issues still pending,
22 for the solution of which the Government will do
23 their utmost.

24 "As for our relations with Great Britain,
25 I am deeply moved when I say that a short while ago

1 on behalf of His Majesty, the Emperor, His Imperial
2 Highness Prince Chichibu, accompanied by Princess
3 Chichibu, attended the Coronation ceremonies of
4 the King and Queen of England, and by their
5 mission they have enhanced the traditional friend-
6 ship that binds our two nations. It has always
7 been the consistent policy of the Government to
8 promote Anglo-Japanese friendship, and more
9 recently the two governments have come to an agree-
10 ment of views regarding the advisability of enter-
11 ing into frank conversations with the object of
12 adjusting the relations of the two countries. We
13 hope to bring about an early attainment of that aim.

14 "Japanese-American relations have been of
15 late really good, being marked by ever-growing amity
16 and good will. I am glad to say that the Economic
17 Mission which visited the United States some weeks
18 ago have by their candid exchange of views with
19 various circles accomplished much toward establish-
20 ing closer contact between our two nations economi-
21 cally and otherwise.

22
23 "Last year this country concluded the
24 Anti-Comintern Agreement with Germany. The
25 Government are striving for an effective applica-
tion of the said agreement, and at the same time

1 for the furtherance of friendly and intimate re-
2 lations between Japan and Germany.

3 "Now to turn to our trade relations with
4 other countries:

5 "Obviously the expansion of our export
6 trade constitutes not only an indispensable con-
7 dition of our national existence, but one of the
8 most important means of balancing our international
9 accounts under the present economic circumstances
10 of the country. But as a matter of fact, the
11 foreign Powers, for economic, financial or other
12 reasons, still continue to maintain commercial
13 barriers of various kinds against Japanese goods.
14 The Government are working for a smooth develop-
15 ment of our export trade by concluding such in-
16 dividual agreements with the governments of those
17 countries as may be best suited to their respective
18 circumstances, or by arranging for private agree-
19 ments to be arrived at between our business in-
20 terests and those of other countries. I am glad
21 to say that since last spring our trade negotiations
22 with India, Burma, the Netherlands East Indies, and
23 Turkey, have all been brought to a successful con-
24 clusion. The Government will strive more energeti-
25 cally than ever for the maintenance and furtherance

1 of Japan's commercial interests, and at the same
2 time make all possible endeavors to insure free
3 access to raw material and natural resources, and
4 to promote the freedom of international trade.
5 It is gratifying to note the growth of certain
6 tendencies favorable to the restoration of the
7 freedom of the Japanese Government to participate
8 heartily in any international undertaking to con-
9 vert these tendencies into a reality.

10 "As it may be seen from what I have
11 stated above, Japan's foreign relations at present
12 are fraught with problems of great difficulty.
13 For an effective execution of our foreign policy
14 at this time a true national unity is required --
15 a unity which is based upon a full comprehension
16 of the international situation. And I appeal to
17 you for support and cooperation."

18 THE PRESIDENT: We will recess for fifteen
19 minutes.

20 (Whereupon, at 1045, a recess
21 was taken until 1100, after which the pro-
22 ceedings were resumed as follows:)
23
24
25

M
o
r
s
e
&
W
o
l
f

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Levin.

4 MR. LEVIN: I next offer in evidence
5 defense document No. 1102, giving the views of a
6 Foreign Office spokesman on Japan being compelled
7 to resort to self-protecting measures.

8 THE PRESIDENT: Brigadier Nolan.

9 BRIGADIER NOLAN: May it please the Tribunal,
10 the title of this document indicates its character.
11 A Foreign Office spokesman expresses his views
12 on the situation in which Japan was compelled to
13 resort to self-protecting measures.

14 MR. LEVIN: There is nothing that I desire
15 to add in relation to this document.

16 THE PRESIDENT: It seems to be struck by
17 the earlier decisions.

18 MR. LEVIN: Yes.

19 THE PRESIDENT: The objection is upheld
20 and the document rejected.

21 MR. LEVIN: I now offer in evidence defense
22 document No. 1164, being the Declaration of the
23 Japanese Tientsin Garrison, dated July 28, 1937.

24 THE PRESIDENT: Brigadier Nolan.

25 BRIGADIER NOLAN: May it please the Tribunal,

1 we object to defense document No. 1164. The only
2 difference is that this is a statement or press
3 release emanating from the Japanese Garrison Head-
4 quarters in China. It has no more probative value
5 than the other documents already rejected.

6 MR. LEVIN: I believe, Mr. President, that
7 this document comes under a different category
8 than the spokesman document which has been rejected.
9 This is a statement by the garrison itself where the
10 actual occurrence took place.

11 THE PRESIDENT: It is not a report by the
12 Field Commander to Tokyo, it is just a public
13 statement issued locally.

14 By a majority the objection is upheld and
15 the document rejected.

16 MR. LEVIN: Mr. President, may I offer in
17 evidence defense documents No. 1109 and 1107, which
18 are talks by a Foreign Office spokesman; No. 1109
19 on August 2, 1937, on the Tungchow Incident, and the
20 other, on August 4, 1937, relative to the Tungchow
21 Incident, and, in view of the ruling of the Court --
22 previous ruling of the Court -- I ask the Court to
23 rule on it.

24 THE PRESIDENT: So far there is no objection.
25 Are you objecting, Mr. Sutton?

KAYASHIMA

DIRECT

1 MR. SUTTON: May it please the Tribunal,
2 we do object to the introduction of these documents.

3 THE PRESIDENT: The objection is upheld
4 and the documents rejected.

5 MR. LEVIN: I now call the witness KAYASHIMA,
6 Takashi.

7 - - -

8 T A K A S H I K A Y A S H I M A, called as a
9 witness on behalf of the defense, being
10 first duly sworn, testified through
11 Japanese interpreters as follows:

12 DIRECT EXAMINATION

13 BY MR. LEVIN:

14 Q Will you please state your name, age and
15 address?

16 A My name is KAYASHIMA, Takashi, 59 years old
17 and I reside at 1784, Takanabe-machi, Miyazaka
18 Prefecture.

19 Q Captain Van Meter will hand you defense
20 document No. 1090. Will you state whether your
21 signature appears thereon?

22 (Whereupon, the document above re-
23 ferred to was handed to the witness.)

24 A Yes, it is mine.

25 Q Are the contents of said document true and

KAYASHIMA

DIRECT

1 correct?

2 A Yes, they are correct.

3 MR. LEVIN: I offer in evidence defense
4 document No. 1090, which is the affidavit of KAYASHIMA,
5 Takashi.

6 THE PRESIDENT: Mr. Sutton.

7 MR. SUTTON: May it please the Tribunal,
8 the prosecution objects to the introduction of
9 defense document 1090 on the ground that it is
10 immaterial to the issues involved in this case. It
11 concerns an incident alleged to have occurred at
12 Tungchow. Tungchow was in the zone which was de-
13 militarized under the terms of the Tangku Truce of
14 31 May, 1933, exhibit 210 -- attention is called to
15 the fact that the correct exhibit number is 193 --
16 and thereafter no Chinese troops could be stationed
17 at this point. Tongchow was the seat of government
18 of the East Hopei Anti-Communist Autonomous
19 Government, sometimes called the Kihung Government,
20 established in 1935.

21 THE PRESIDENT: What is that document about?

22 MR. SUTTON: The document is exhibit 210
23 on page 2703.

24 THE PRESIDENT: What does it say?

25 MR. SUTTON: This government was entirely

1 independent of the National Government of China.
2 It was under the influence of and supported by Japan.
3 Japan's support of this government appears from the
4 dispatch from Foreign Minister HIROTA to Ambassador
5 HIROSHI in China, dated 21 January, 1936, exhibit
6 1634-B, record 2772-3.

7 THE PRESIDENT: Do tell us what it says. The
8 numbers mean nothing.

9 MR. SUTTON: That was a statement of the
10 Foreign Minister that Japan would support the East
11 Hopei Autonomous Government until such time as the
12 other government in North China saw fit to cooperate
13 with Japan. It is the --

14 THE PRESIDENT: How do you connect that
15 with your objection to this document?

16 MR. SUTTON: Our position is that the
17 troops who are alleged to have committed these acts,
18 the Peace Preservation Corps of the Autonomous
19 Government, set up --

20 THE PRESIDENT: That is only so far a
21 contention of yours based on evidence, not an established
22 fact. As a colleague says this could be established
23 by cross-examination.
24

25 The objection is overruled.

CLERK OF THE COURT: Defense document No.

KAYASHIMA

DIRECT

20,830

1 1090 will receive exhibit No. 2498.

2 (Whereupon, the document above re-
3 ferred to was marked defense exhibit No.
4 2498 and received in evidence.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. LEVIN: I read the affidavit of the
2 witness:

3 "I was formerly a lieutenant-general in the
4 Japanese Army. At present I live at 1784, Takanaba,
5 Miyazaki Prefecture. From March in the 10th year of
6 Showa (1935) to November in the 12th year of Showa
7 (1937) I served as the Commander of the Tientsin Infantry
8 Unit and Commander of the 2nd Infantry Regiment in
9 China. I was stationed in Tientsin most of the period.
10 On July 28, 1937, I took post in the fighting in
11 Nanyuen south of Peking, as commander of the main
12 regiment. On the evening of that day, we assembled
13 at Fengtai and, on the following day, the 29th, we
14 advanced to a point near Tatsing village and awaited
15 further orders there. At 3:00 a.m. on the 30th, I was
16 ordered to rescue the Japanese people in Tong-Chow,
17 where a disturbance had broken out. I hurried to Tong-
18 Chow at 3:30 a.m., at the head of the main regiment.

19 "At that time the Kih-Tung government was
20 located in Tong-Chow, and about 700 or 800 Japanese
21 and Korean people lived there. Soldiers of the 1st
22 Infantry Regiment, numbering about one platoon, were
23 stationed there for the protection of the Japanese
24 residents.

25 "I heard that a disturbance had occurred in

KAYASHIMA

DIRECT

1 Tung-Chow, but I did not know at the time what sort
2 of disturbance it had been. However, I was informed
3 that Japanese people had been slaughtered. On the 29th
4 a fire broke out in the vicinity of Tung-Chow and black
5 smoke could be seen rising high.

6 "I therefore knew that something unusual had
7 happened there.

8 "We had hurried there without taking rest.

9 "We arrived at Tung-Chow at 4 p.m. since we
10 had got fragmentary information before we arrived to
11 the effect that many Japanese people in Tung-Chow had
12 been slaughtered, and that the Japanese Garrison there
13 was having a hard fight and was at the brink of
14 complete destruction. Seeing that our unit had arrived
15 at Tung-Chow, the enemy retreated to the northeast and
16 hid. Therefore we entered Tung-Chow without a struggle.

17 "Within the wall, we found the very tragic
18 sight of the abandoned corpses of ill-fated Japanese
19 residents. The necks of most of the corpses were bound
20 with rope. The corpses of innocent children and
21 butchered bodies of women were such that the sight was
22 almost unbearable. Astonished and indignant we hurried
23 to the Japanese Garrison.

24 "The Japanese Garrison consisted of 30 soldiers.
25 The total number of Japanese soldiers there, including

KAYASHIMA

DIRECT

1 an additional 60 soldiers belonging to an automobile
2 unit, was about 100. Attacked and closely besieged
3 by 3,000 Chinese soldiers, they had a bitter struggle.
4 Fortunately, however, sheltered in a stone building,
5 they had narrowly escaped complete destruction. There
6 were 20 soldiers who had been killed or wounded.

7 "Immediately by my order, the gate of the
8 wall was closed, search was started within the wall,
9 and the remnants of the Japanese people there were
10 gathered together. Only 150 out of 700 or 800 Japanese
11 residents assembled. 350 Japanese were found dead.
12 It was unknown where the remaining 200 or 300 Japanese
13 residents had gone, or whether they had been slaughtered.

14 "At that time I inquired into details of
15 the incident and reported them to the proper author-
16 ities.

17 "I have no records of this report now.
18 Therefore, in the following account I shall rely upon
19 the memory of what I witnessed. The impression of the
20 miserable sight is unforgettable and will remain in
21 my memory for the rest of my life.

22 "1. I saw a restaurant called Asahi-Ken.
23 There 7 or 8 women aged between 17 or 18 and 40 had
24 all been stripped of their clothing, raped, and shot
25 to death. The private parts of 4 or 5 of them had

KAYASHIMA

DIRECT

1 been thrust through with bayonets. At the entrance
2 of the house, a boy in school uniform aged 12 or 13
3 had been shot dead. Within the house, there was no
4 furniture, bedding or clothing, etc., everything
5 having been looted. Other Japanese houses were in a
6 condition similar to the above.

7 "2. The corpses of Japanese men who had
8 been shot or stabbed to death remained in buildings
9 which had housed business firms and public offices.
10 Almost all of them seemed to have been pulled about
11 with ropes around their necks. Blood was splattered
12 on the walls. These scenes were beyond description.

13 "3. In the case of Kinsuiro, the sight was
14 appalling. It seemed to be the place where Japanese
15 residents in Tung-Chow, sensing imminent danger, had
16 gathered together. They had been massacred on a large
17 scale. Household articles had been scattered about
18 near the front door and entrance, nearly all valuable
19 articles had been stolen, and 4 male guests staying
20 there had been shot to death in a parlour. It was
21 said that the proprietress and the maids at Kinsuiro
22 had been tied tother, raped with their hands and
23 feet bound and finally beheaded.

24 "4. Three Japanese, a husband and wife,
25 and their baby, had hidden above the ceiling and

KAYASHIMA

DIRECT

1 narrowly escaped danger. The husband told me that
2 they had witnessed beneath them the slaughter of one
3 Japanese after another."

4 THE PRESIDENT: A majority admitted that
5 document.

6 MR. LEVIN: You may cross-examine.

7
8 CROSS EXAMINATION

9 BY MR. SUTTON:

10 Q What was your rank in 1937?

11 THE PRESIDENT: In view of the nature of
12 his evidence, that is immaterial. He is not here as
13 an expert to testify about military operations. He
14 just testifies as to a certain episode.

15 MR. SUTTON: May it please the Tribunal, his
16 statement was that he made an inquiry at the time into
17 the details of the incident and made a report of them
18 to the proper authorities. It was as to that the
19 inquire was addressed.

20 THE PRESIDENT: I still say it is wholly
21 immaterial.

22 Q When was the Kih-Tung Government located at
23 Tungchow? The question is, when was the Kih-Tung
24 Government located at Tungchow.

25 A I heard that it was the end of 1935.

K
a
p
p
l
e
a
u
&
G
r
e
e
n
b
e
r
g

1 Q Was Tungchow within the zone which was de-
2 militarized as a result of the Tangku Truce of 31
3 May, 1933?

4 A I am not familiar with that.

5 Q Is the Kih-Tung Government the same as the
6 East Hopei Anti-Communist Autonomous Government?

7 A Yes, I think it is probably so.

8 Q Was the Kih-Tung Government entirely
9 separate from the National Government of China?

10 A I believe that it was not entirely separate
11 from the Nanking -- National Government.

12 Q In what way did the Nanking Government con-
13 trol it?

14 A At the time, I had no knowledge of such
15 political affairs.

16 Q Then you do not know whether or not it was
17 entirely separate from the National Government of
18 China, is that correct?

19 A Yes, that is true. I believe that it was
20 a government -- regime authorized by the Central
21 Government.

22 THE MONITOR: I believe that it was not
23 separate. I believe that it was approved by the
24 Central Government.

25 Q Was not the Kih-Tung Government controlled

1 and supported by the Japanese Government?

2 A Since at that time I was a regimental com-
3 mander, I have no knowledge of such political af-
4 fairs.

5 Q How long had Japanese troops been stationed
6 in Tungchow prior to this incident?

7 A Since they are not men under my command,
8 and not under my jurisdiction, I do not know accu-
9 rately. But I believe that one battalion was sta-
10 tioned -- one platoon was stationed there since
11 June, 1936.

12 THE MONITOR: Since around June, 1936.

13 Q Was not this in violation of the terms of
14 the Tangku Truce?

15 A I did not know of such political affairs.
16 But, at the time I was firmly convinced that it was
17 not a violation of the Tangku Agreement.

18 Q Did the Japanese garrison stationed at Tung-
19 chow train the Chinese gendarmerie of the Kih-Tung
20 Government?

21 A Since they were not under my command, I do
22 not know -- I do not think that was so.

23 Q Were not these troops, who had been trained
24 and drilled by the Japanese garrison, the same troops
25 charged with having committed the acts to which you

1 testified?

2 A In my regiment the Japanese troops were not
3 allowed to train the Chinese Peace Preservation Corps.
4 Therefore, the garrison did not have any orders to
5 train the Chinese Peace Preservation Corps.

6 MR. SUTTON: The questions are based upon
7 the testimony in the record given by John Goette,
8 found at pages 3,751 - 3,756. That concludes the
9 cross-examination.

10 THE PRESIDENT: Mr. Levin.

11 MR. LEVIN: There will be no further examin-
12 ation of this witness, and we ask that he be excused
13 on the usual terms.

14 THE PRESIDENT: He is excused accordingly.

15 (Whereupon, the witness was ex-
16 cused.)

17 - - -

18 MR. LEVIN: We now call the witness KATSURA,
19 Shizuo.

20 - - -
21
22
23
24
25

1 S H I Z U O K A T S U R A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. LEVIN:

7 Q Will you please state your name, age and
8 address?

9 A My name is KATSURA, Shizuo; my age, thirty-
10 eight; I live at Nomi Aza -- correction: Aza Nomi,
11 Chi-Mura, Izumi-gun, Chiba Prefecture.

12 Q Captain Van Meter will hand you defense
13 document No. 1139. Will you please state whether
14 your signature appears thereon?

15 (Whereupon, a document was handed
16 to the witness.)

17 A Yes, it is there.

18 Q Are the contents of said document true and
19 correct?

20 A There is one part which is incorrect.

21 Q Will you please state where that appears,
22 and please make the correction?

23 A In the sixth line of the first page, "and
24 also submit some photographs I took at that time."
25 This I ask be stricken -- This I have not done yet.

KATSURA

DIRECT

20,840

1 Q The document, then, as corrected, is true
2 and correct?

3 A Yes, it is the truth.

4 MR. LEVIN: I offer in evidence the affi-
5 davit of KATSURA, Shizuo, defense document No. 1139.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 1139
8 will receive exhibit No. 2499.

9 (Whereupon, the document above re-
10 ferred to was marked defense exhibit No.
11 2499 and received in evidence.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 MR. LEVIN: Omitting the formal parts, I
2 proceed to read the affidavit.

3 "I was formerly a major and live at present
4 at NOMI, SENCHO Village, IZUMI, CHIBA Prefecture.
5 I acted in behalf of the commander of the Infantry
6 Gun Company of the 2nd Regiment, despatched on
7 rescue duty to Tungchow in July, 1937. I arrived
8 at Tungchow at 2:30 a. m. July 31, and driving the
9 enemy from the scene, saw many traces of the slaugh-
10 ter of the Japanese residents there."

11 That sentence sounds like a mis-transla-
12 tion. I ask Major Moore to consider it and report
13 to the Tribunal.

14 "1. I went to the KINSUIRO Hotel about
15 8 a. m., July 31. When I got to the gate, I was
16 surprised to see that the hotel was greatly changed,
17 and felt disgusted at the stench from the corpses.
18 I could see the interior of the house even from the
19 gate because the porch-doors, shoji, and furni-
20 ture were all smashed to pieces.

21 "At the entrance I found a corpse of a
22 woman who seemed to have been the hostess of the
23 KINSUIRO Hotel. Nearly naked, she was lying on
24 her back along the passage near the entrance, with
25

KATSURA

DIRECT

1 her feet stretched toward the door and with a sheet
2 of newspaper placed over her face. She seemed to
3 have made a strong resistance, for she was lying
4 on the floor, stripped off her clothes. I remember
5 that both the upper and lower halves of her body
6 were exposed, revealing four or five bayonet wounds,
7 which I thought to have been fatal to her.

8 "Her private parts seemed to have been
9 scooped out with a sharp instrument, for there were
10 scattered marks of blood. The counter and the
11 kitchen were so much ransacked that there was no
12 room for me to step in, showing unmistakable signs
13 of looting.

14 "I saw four corpses of Japanese women who
15 appeared to be maidservants laying in the maid-
16 servants' room on the right side of the passage.
17 It seemed that they had died in an extreme agony,
18 but they were lying one upon another, in compara-
19 tive order perhaps on account of shooting, except
20 one lying dead on her back with her private parts
21 exposed. The room was in such disorder that we
22 could not step in. Then we entered the counting-
23 room and the kitchen, where a man and two women were
24 found lying dead on their face or back. I didn't
25 know whether they had been outraged or not, but

KATSURA

DIRECT

1 were evidences of struggles having been made; the
2 man had his eyes gouged out and the upper half of
3 his body honeycombed with bayonet thrusts and two
4 women had on their backs marks of bayonet stabs.

5 "Next we stepped into the passage. In a
6 room downstairs two corpses of women were seen
7 lying nearly naked, with marks of bayonets thrusts
8 on their private and other parts.

9 "Next, we found several corpses upstairs.
10 They were comparatively" -- that word does not
11 appear there -- "and covered with a quilt. Their
12 feet, hands and heads were seen extruding, but I
13 did not dare to remove the quilt."

14 I think that word is "tied." "They were
15 comparatively tied and covered with a quilt."

16 "There were seen a few corpses floating
17 in an adjacent pond, but we had not time to approach
18 them.

19 "2. At a certain cafe in the city.

20 "I went to the cafe where I had been a
21 year before. Then I opened the door I felt re-
22 lieved to see the room in its usual condition.
23 But, stepping into the room, I found in a box a
24 woman's corpse, nearly naked and strangled with a
25 rope.

KATSURA

DIRECT

1 "At the back of the cafe was a Japanese
2 house, where a child and its parent had been cruelly
3 murdered and the former had all its fingers cut
4 off.

5 "3. Corpses on the road.

6 "There was a Japanese shop near the
7 southern castle-gate. A corpse of a man who
8 seemed to be the master of the shop was lying on
9 the road, having been dragged out and killed. He
10 had his bones exposed on the breast and belly, and
11 his entrails scattered about."

12 You may cross-examine.
13
14
15
16
17
18
19
20
21
22
23
24
25

KATSURA

DIRECT

1 THE PRESIDENT: There is a difference as
2 regards time between this witness' evidence and the
3 last witness' evidence. This witness also says that
4 he drove the enemy from the scene; but the other
5 witness said he drove them from the scene, or they
6 retreated two days earlier. They could have re-
7 turned, of course. The differences may be recon-
8 ciled.

9 MR. LEVIN: I could inquire, Mr. President.
10 Mr. Sutton stated that he would make some inquiries.

11 THE MONITOR: We haven't finished our
12 interpretation yet, sir.

13 THE PRESIDENT: I assume there will be
14 cross-examination. We will leave it at that for
15 the time being.

16 BY MR. LEVIN (Continued):

17 Q Do you know KAYASHIMA, Takashi?

18 A Yes, I know him.

19 Q And did he have any relation with you at
20 the time of this incident?

21 A Yes.

22 Q And what relation was that?

23 A KAYASHIMA was the commander of my regiment.

24 Q And were you at the Kinsuiro Hotel at the
25 same time that he was there, in July, to which you

1 have testified?

2 A I believe I was not there at the same time.

3 Q And is the date which you have given in your
4 testimony, July 31 -- is that the correct date when
5 you were there?

6 A Yes, it is accurate.

7 Q And had you then heard whether or not General
8 KAYASHIMA had been there?

9 A No, I have never heard of that.

10 MR. LEVIN: I believe that is all, Mr.
11 President.

12 THE PRESIDENT: It doesn't look too good.

13 Mr. Sutton, are you going to cross-examine?

14 MR. SUTTON: What is that, sir?

15 THE PRESIDENT: I called on you, but you
16 didn't have your earphones on, and you didn't hear
17 me. I call on you again.

18 MR. SUTTON: There will be no cross-examina-
19 tion of this witness.

20 THE PRESIDENT: Well, I am surprised, but
21 you are the judge.

22 MR. LEVIN: There will be no further examin-
23 ation, Mr. President; and I ask that the witness be
24 excused on the usual terms.

25 THE PRESIDENT: The witness is released

1 accordingly.

2 (Whereupon, the witness was ex-
3 cused.)

4 - - -

5 MR. LEVIN: I now call the witness SAKURAI,
6 Fumio.

7 - - -

8 F U M I O S A K U R A I, called as a witness on
9 behalf of the defense, being first duly sworn,
10 testified through Japanese interpreters as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. LEVIN:

14 Q Please state your name, age and address.

15 A My name is SAKURAI, Fumio; my age, thirty-
16 seven; my address, 938 Sakusabe-Machi, Chiba City.

17 Q Captain Van Meter will hand you defense
18 document No. 1140. Will you please state whether
19 your signature appears thereon?

20 (Whereupon, a document was handed to
21 the witness.)

22 A Yes, it is there.

23 Q Are the contents of said document true and
24 correct?

25 A Yes, they are.

1 MR. LEVIN: I offer in evidence the affi-
2 davit of SAKURAI, Fumio, defense document No. 1140.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document 1140
5 will receive exhibit No. 2500.

6 (Whereupon, the document above re-
7 ferred to was marked defense exhibit No.
8 2500 and received in evidence.)

9 THE PRESIDENT: You may read it after lunch,
10 Mr. Levin. We will adjourn until half-past one.

11 (Whereupon, at 1200, a recess
12 was taken.)

13 - - -

W
h
a
l
e
n
&
D
u
d
a

AFTERNOON SESSION

1
2
3 The Tribunal met, pursuant to recess,
4 at 1330.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Major Moore.

8 LANGUAGE ARBITER (Major Moore): Mr. President,
9 with the Tribunal's permission we present the following
10 language corrections:

11 Exhibit No. 2487, record page 20,614, delete
12 lines 16 to 20 and substitute "In regard to China effort
13 was to be made chiefly to promote the economic and
14 cultural collaboration of Japan and Manchukuo, at the
15 same time to work for defense against Communism, with-
16 out presenting political or military threats."

17 May we add there seems to be no need to correct
18 exhibit No. 2499, presented this morning.

19 THE PRESIDENT: Mr. Levin.
20
21
22
23
24
25

SAKURAI

DIRECT

1 FUMIO SAKURAI, called as a witness
2 on behalf of the defense, resumed the stand
3 and testified through Japanese interpreters
4 as follows:

DIRECT EXAMINATION

5
6 MR. LEVIN: Mr. President, I offer in evidence
7 defense exhibits DD-1140-A, B and C in connection with
8 the affidavit of this witness.

9 THE PRESIDENT: Well, they are not marked as
10 annexures in the affidavit.

11 MR. LEVIN: They are referred to in the affi-
12 davit, I believe toward the end in the last paragraph
13 on the third page.

14 THE PRESIDENT: They are not marked as annexures.
15 The witness has already left the box, hasn't
16 he?

17 MR. LEVIN: No, this is the witness --

18 THE PRESIDENT: This is the witness, is it?

19 MR. LEVIN: That was just sworn before we
20 adjourned.

21 THE PRESIDENT: Well, he must be shown these
22 photographs and asked if they are the photographs
23 referred to in his affidavit.

24 MR. LEVIN: Well, Mr. President, I think
25 probably it would be better if I read the affidavit,

1 F U M I O S A K U R A I, called as a witness
2 on behalf of the defense, resumed the stand
3 and testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 MR. LEVIN: Mr. President, I offer in evidence
7 defense exhibits DD-1140-A, B and C in connection with
8 the affidavit of this witness.

9 THE PRESIDENT: Well, they are not marked as
10 annexes in the affidavit.

11 MR. LEVIN: They are referred to in the affi-
12 davit, I believe toward the end in the last paragraph
13 on the third page.

14 THE PRESIDENT: They are not marked as annexes.
15 The witness has already left the box, hasn't
16 he?

17 MR. LEVIN: No, this is the witness--

18 THE PRESIDENT: This is the witness, is it?

19 MR. LEVIN: That was just sworn before we
20 adjourned.

21 THE PRESIDENT: Well, he must be shown these
22 photographs and asked if they are the photographs
23 referred to in his affidavit.

24 MR. LEVIN: Well, Mr. President, I think
25 probably it would be better if I read the affidavit,

1 and when I come to that paragraph I will show them
2 to the witness.

3 THE PRESIDENT: Yes.

4 MR. LEVIN: (Reading) "I am an ex-army-major
5 and at present residing at No. 938 Sakusabe-machi, Chiba
6 City.

7 "At the time of Tung-chow incident, I moved
8 in to that walled city, on July 30, 1937, for purposes
9 of rescue as a platoon leader in the Second Regiment
10 which was stationed in China, along with the main
11 strength of the regiment, and saw closely the spectacle
12 of the massacre of Tung-chow. So I will relate the
13 conditions of that time as follows:

14 "1. As soon as I entered the walled city, at
15 about 4 p.m. I was ordered to sweep the southern half
16 of the walled city Tung-chow with the platoon under my
17 command, as the commander of the mopping up force and
18 I immediately commenced operations.

19 "First of all, as we moved out the east-gate
20 of the garrison camp, we witnessed the massacred bodies
21 of men and women of our residents lying scattered,
22 every few Ken (TN: 2 yards). Our indignation reached
23 its climax but as we would not find any enemy soldiers
24 about, we exclusively engaged ourselves the accommo-
25 dation of those who were still alive until midnight.

1 "As we examined each house crying loudly, "Is
2 there no Japanese?" from here and there, crawling out
3 one after another from garbage bins, trenches, or from
4 behind a wall, a child whose nose was pierced crosswise
5 with wire as an ox, an old woman whose one arm was cut
6 off, or a pregnant woman whose abdomen was stabbed with
7 bayonets, etc., came forth.

8 "2. Inside a certain restaurant, I witnessed
9 the remains of an entire family massacred, with each of
10 the individuals with the heads and both arms cut off.

11 "All and any women more than 14 or 15 years of
12 age were all raped. It was indeed an unbearable sight.

13 "3. When we entered an eating-house called
14 the 'Asahikon,' we found the corpse of seven or eight
15 women completely stripped, raped, and shot or bayoneted.
16 Among them, there were those whose private parts had a
17 broom inserted, those whose mouth were stuffed with
18 sand, those whose abdomen were cut open lengthwise,
19 etc., it was indeed unbearable to see.

20 "4. There was a pond near a shop kept by a
21 certain Korean in the neighborhood of the east-gate.
22 In this pond, whose water was dyed red with blood,
23 were found the six corpse of an entire family; their
24 necks were tied together with rope and their two hands
25 tied together and pierced with No. 8-iron-wire as beads

1 in a rosary. Evidence was quite clear that they had
2 been dragged about.

3
4 "Thus it was after 9 o'clock that night if
5 I remember correctly, when we finished mopping up. I
6 remember that up to that time I had seen about a
7 100 massacred bodies, and that we had collected about
8 20 seriously or slightly injured persons from the area
9 with which I was responsible for mopping up.

10 "Among these who were injured, there were some
11 who became insane, others, almost without exception,
12 were in a dazed stupefied state.

13 "This tragic 'picture-scroll of hell' which I
14 had seen with my own eyes is deeply engraved in my
15 brain even now.

16 "Since I took some pictures of some of these
17 massacred bodies of our residents, I will present them
18 here."

19 Captain Van Meter, would you kindly hand the
20 pictures to the witness?

21 (Whereupon, pictures were handed to
22 the witness.)

23 BY MR. LEVIN (Continued):

24 Q Will you state if defense documents or
25 pictures DD-1140-A, DD-1140-B and DD-1140-C are the

1 photographs to which you have reference?

2 A They are the pictures taken by me.

3 MR. LEVIN: I offer these pictures in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense documents 1140-A,
6 B and C, respectively, will receive exhibits No. 2500-A,
7 B and C respectively.

8 (Whereupon, the documents above
9 referred to were marked defense exhibits
10 No. 2500-A, 2500-B, and 2500-C, respectively,
11 and received in evidence.)

12 Q Referring again to those pictures, will you
13 please state in what part of the city they were taken?

14 A Picture A was taken in a ditch in the proximity
15 of the southern gate of Tungchow. Picture B was taken
16 on the road running towards the southern gate. Picture C
17 was taken in the vicinity of a plaza near the -- to
18 the eastern side of the barracks.

19 Q Will you state briefly who the persons were in
20 exhibit 2500-A?

21 THE PRESIDENT: They speak for themselves.

22 MR. LEVIN: My inquiry was directed as to
23 whether or not they were Japanese or otherwise,
24 Mr. President.

25 Q Can you tell us what nationality the persons

SAKURAI

DIRECT

1 indicated on the pictures were?

2 THE PRESIDENT: He said they were massacred
3 bodies of our residents. I take it he meant Japanese.

4 MR. LEVIN: May the witness answer, Mr.
5 President?

6 THE PRESIDENT: He may.

7 A The persons indicated in the picture A are
8 corpse of residents and Japanese soldiers.

9 Q And in picture C, 2500-C?

10 A Persons appearing in picture C are the corpse
11 of residents.

12 Q And what nationality?

13 A Japanese.

14 MR. LEVIN: You may cross-examine.

15 I believe I was under the impression that I
16 offered them in evidence. Is that correct, Mr.
17 President?

18 THE PRESIDENT: Yes.

19 Mr. Sutton.

20 MR. SUTTON: There will be no cross-examination
21 of this witness, if the Court please.
22
23
24
25

SAKURAI

DIRECT

1 DR. KANZAKI: Before the recess your Honor
2 inquired as to the difference between the time of arri-
3 val of this witness and Witness KATSURA, Shizuo at
4 Tungchow. But since the present witness also accom-
5 panied his regimental commander, KAYASHIMA to Tungchow,
6 perhaps we can ascertain the time by asking the present
7 witness the time of the arrival, respective time of
8 arrival of those two witnesses -- Witness KAYASHIMA
9 and KATSURA.

10 THE PRESIDENT: This is the third witness.
11 The contrast was between the evidence of the first two,
12 the lieutenant general and the other major. I raised
13 no question about this man's affidavit in respect of
14 time.

15 THE MONITOR: Mr. President, the monitor made
16 a correction which evidently your Honor did not hear.
17 I made a correction, sir, but evidently your Honor did
18 not hear it. The defense counsel asked "Witness KAYA-
19 SHIMA and KATSURA" and he was right. We interpreted
20 it wrong at first but we made a correction. Evidently
21 you did not hear it, sir.

22 THE PRESIDENT: I didn't.

23 THE MONITOR: Yes, sir.

24 DR. KANZAKI: May I submit that this present
25 witness accompanied his regimental officer, KAYASHIMA,

SAKURAI

DIRECT

1 to Tungchow so he may be able to make clear as to the
2 time of arrival of those two witnesses, KAYASHIMA and
3 KATSURA.

4 I do not understand the direction by your
5 Honor. May I ask the witness to state as to the time?

6 THE PRESIDENT: Yes. But you shouldn't have
7 told him that he accompanied the other man. He hasn't
8 said so in his affidavit. You should ask him questions,
9 not tell him what he did.

10 DR. KANZAKI: Yes, your Honor.

11 DIRECT EXAMINATION

12 BY DR. KANZAKI:

13 Q Did you enter Tungchow with the Regimental
14 Commander KAYASHIMA?

15 A Yes, I entered Tungchow with him.

16 Q Do you know KATSURA, Shizuo?

17 A Yes, I do.

18 Q Did the Regimental Commander KAYASHIMA and the
19 Witness KATSURA enter Tungchow at the same time?

20 A No, not at the same time.

21 Q Why did they not enter Tungchow at the same
22 time?

23 A Because at that time Japanese troops marched
24 night and day from Peking in order to save as many
25 Japanese as possible and as quickly as possible, Japanese

SAKURAI

DIRECT

1 victims within Tungchow, and there was a distance of about
2 seven or eight Chinese lis between Peking and Tungchow.
3 The length of the column of the Japanese units rushing to
4 Tungchow covered a distance of about three Chinese lis.
5 The regimental commander was at the head of the column
6 and KATSURA was at the very rear, and it was necessary to
7 walk on foot -- to march on foot. About five or six
8 hours were necessary to cover the distance on foot.

9 DR. KANZAKI: I understand. That is all, sir.

10 THE PRESIDENT: This morning I pointed out that
11 there was a considerable number of hours between the ar-
12 rivals of those two witnesses who gave evidence first,
13 and that the first witness, the lieutenant general, said
14 that the Chinese had retreated and the town apparently
15 was not occupied by them, whereas the second witness said
16 he drove them out. The second witness, the other major,
17 didn't know that the lieutenant general had been there
18 at all.

19 As I am reminded by a colleague, this witness'
20 testimony does not remedy the situation.

21 MR. LEVIN: As my military colleague, Mr.
22 Brooks, points out that these men were in platoons,
23 and that the platoons might have been in different
24 sectors.

25 THE PRESIDENT: Another colleague points this

SAKURAI

DIRECT

1 out: That this third witness speaks of mopping up,
2 which means cleaning out the enemy ordinarily.

3 However, you can hardly remedy it, Mr. Levin.

4 MR. LEVIN: I shall make an inquiry, Mr. Presi-
5 dent, and if we can clarify the matter, we shall ask
6 permission to do so.

7 THE PRESIDENT: At present the evidence given
8 by these three witnesses is most contradictory and most
9 unsatisfactory.

10 MR. LEVIN: Dr. KANZAKI states that he would
11 like to have the witness KAYASHIMA remain, and possibly
12 we can ask permission to put him on the stand later.

13 THE PRESIDENT: You don't want this man any
14 further, I suppose?

15 MR. LEVIN: No. May he be released on the
16 usual terms?

17 THE PRESIDENT: He is released on the usual
18 terms.

19 (Whereupon, the witness was excused.)

20 THE PRESIDENT: Mr. Levin.

21 MR. LEVIN: We offer in evidence defense docu-
22 ment No. 1106, comment of a Foreign Office spokesman in
23 regard to the bombing of Tientsin on July 30, 1937.

24 THE PRESIDENT: Brigadier Nolan.

25 BRIGADIER NOLAN: May it please the Tribunal,

1 the prosecution objects to this statement. It is, as
2 is described, the talk of a Foreign Office spokesman
3 which, in our submission, cannot be distinguished from
4 other and similar documents already rejected by the
5 Tribunal.

6 MR. LEVIN: I have nothing to add to what I
7 previously stated in respect to various documents of
8 the character involved.

9 THE PRESIDENT: The objection is upheld and
10 the document rejected.

11 MR. LEVIN: Now, I desire to offer in evidence
12 defense document No. 1105 in regard to troop movements
13 and shipments of military supplies northward from Nan-
14 king.

15 THE PRESIDENT: Brigadier Nolan.

16 BRIGADIER NOLAN: The prosecution objects
17 to this document, your Honor, on the ground that it is
18 merely another press release equally objectionable as
19 the other press releases which have been rejected.

20 MR. LEVIN: Mr. President, not only is this
21 an official report, but it is an official report of
22 troop movements and shipments of military supplies
23 from Nanking. It would seem to me that such a report
24 in the archives of the Japanese Government would have
25 probative value.

1 THE PRESIDENT: It doesn't come from the
2 field, apparently, or from any commander. Anybody
3 could have concocted this.

4 MR. LEVIN: It would seem that the only place
5 that it could come from would be from a command or
6 persons who are familiar with the situation, and the
7 fact that it is in the archives of the government, itself,
8 should be of great value -- of great importance rather.

9 THE PRESIDENT: Why should it have been in
10 English in the Foreign Office except for propaganda
11 or publicity purposes?

12 MR. LEVIN: Mr. President, I can't answer that
13 question. But it would certainly seem to me that it
14 could not have been of any value to the Japanese Govern-
15 ment unless originally it was in Japanese. The mere
16 fact that they found it at the present time in English
17 doesn't mean that it was originally in English at all.

18 THE PRESIDENT: By a majority the Court upholds
19 the objection and rejects the document.

20 MR. LEVIN: We now desire to offer in evidence
21 defense document No. 1104, which is a report from the
22 Consul-General at Tientsin, in regard to the establish-
23 ment of Tientsin Autonomous Committee.

24 THE PRESIDENT: Brigadier Nolan.

25 BRIGADIER NOLAN: May it please the Tribunal,

1 if I were quite clear as to the exact nature of this
2 document I would be in a better position to deal with
3 it. I don't think it can be argued that it is a report
4 from a Consul-General at Tientsin. The most that can
5 be said for it is that it is a copy of a report pub-
6 lished, I submit, in a newspaper, and I object to the
7 document, sir.

8 THE PRESIDENT: But if you were satisfied it
9 came from the consul you would not object?

10 BRIGADIER NOLAN: I wouldn't object, sir, if
11 it were the report sent by the consul.

12 THE PRESIDENT: But it professes to be; so
13 why not give them the benefit of any doubt?

14 BRIGADIER NOLAN: I am quite prepared to with-
15 draw my objection, your Honor.

16 MR. LEVIN: May I proceed?

17 THE PRESIDENT: This is a question that arises:
18 In the Foreign Office is this document in English? Did
19 the Japanese consul send a telegram in English?

20 However, in the absence of an objection we
21 admit it on the usual terms for what it is worth.
22
23
24
25

S
p
r
a
t
t
&
y
e
l
d
e
n

1 CLERK OF THE COURT: Defense document
2 No. 1104 will receive exhibit No. 2501.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 2501 and received in evidence.)

6 MR. LEVIN (Reading):

7 "Since July 29 a movement for the formation
8 in the Tientsin municipality of a commission for main-
9 tenance of peace and order was progressing with Mr.
10 Shen Tung-wu and other influential Chinese as guiding
11 spirits. Mr. Kao Lin-mei, an elderly and influential
12 Chinese of the locality, was chosen for the post of
13 chairman of the projected commission for maintenance
14 of peace and order in Tientsin. Mr. Kao is now
15 deliberating with his colleagues for the formal in-
16 auguration of the commission at the Kuomin Hotel in
17 the French Concession.

18 "Members of the commission are to be chosen
19 in the proportion of five members from commercial and
20 industrial circles and five members from local gentry.
21 Those representing commercial and industrial circles
22 are: Mr. Wan Hsiao-yen (Director of the Chamber of
23 Commerce and chairman of the Native Bankers Association),
24 Mr. Wan Chu-lin (Chairman of the Tientsin Chamber of
25 Commerce), Mr. Chiu Yu-tang (Executive Director of the

1 Chamber of Commerce), Mr. Chang Che-chou (Inspector
2 of the Chamber of Commerce), and Mr. Chao Ping-ching
3 (Chief Inspector of the Chamber of Commerce).

4 "The members representing the local gentry
5 are:--

6 "Mr. Liu Yu-shu (formerly Director of Public
7 Safety Department of Tientsin Municipal Government),
8 Mr. Sung Jung-yu (formerly chief secretary of Tientsin
9 Municipal Government), Mr. Niu Chuan-shan (Member of
10 the Hopei-Chahar Political Council), Mr. Fang Jo
11 (Influential Member of the Chinese Community in the
12 Japanese Concession), and Mr. Shen Tung-wu (Lieutenant-
13 General).

14 "The Commission for Maintenance of Peace
15 and Order in Tientsin is to handle urgent matters
16 regarding the stabilization of peace in the city in-
17 cluding the distribution of provisions and other
18 materials and restoration of communications in con-
19 junction with the Chinese police service when the
20 latter regains its functions."

21 I should have directed the Court's attention
22 to the fact that this came from Consul-General HORIUCHI
23 at Tientsin.

24 THE PRESIDENT: What is the year? We have the
25 29th of July; what year?

1 MR. LEVIN: The year, Mr. President, is not
2 indicated on the document. So far as I know I would
3 presume it was 1937.

4 THE PRESIDENT: That seems vital to any value,
5 to have the year.

6 MR. LEVIN: I will have an investigation made
7 and see if I can determine the year and inform the
8 Tribunal.

9 I now offer in evidence defense document
10 No. 1108, Statement of a Foreign Office Spokesman on
11 August 2, 1937 on the Paoting Peace Preservation
12 Committee.

13 Mr. President, without stating the contents
14 of this document, there is a reference to the particular
15 statement of the Consul-General which I just read and
16 the date of that is indicated as 1937.

17 THE PRESIDENT: Brigadier Nolan.

18 BRIGADIER NOLAN: May it please the Tribunal,
19 the prosecution objects to this statement of Foreign
20 Office spokesman for the same reason that has been
21 urged against the acceptance of similar documents.

22 MR. LEVIN: I will not press this document,
23 Mr. President. It may be considered in the same light.

24 THE PRESIDENT: You withdraw it?

25 MR. LEVIN: I now desire to offer in evidence

1 defense document No. 1123 concerning the movement of
2 Chinese Central Armies in Southeastern Hopei and
3 Shantung.

4 THE PRESIDENT: Brigadier Nolan.

5 BRIGADIER NOLAN: May it please the Tribunal,
6 there is nothing on the face of this document to
7 which we object which would indicate who wrote it or
8 where it came from and I can only submit that it has
9 all the appearances of another press release and
10 should be rejected.

11 THE PRESIDENT: It also is in English.

12 MR. LEVIN: This document relates to the
13 movement of the Chinese Central Armies and all I can
14 say is it appears to come from the Japanese Foreign
15 Office. Whether it is in English or Japanese it seems
16 to us wouldn't make any difference, and being in the
17 official archives it seems to me that it has probative
18 value.

19 THE PRESIDENT: It is on the same footing
20 as the others. The objection is upheld and the docu-
21 ment rejected.

22 MR. LEVIN: I next offer in evidence defense
23 document No. 1111 which is a statement of a Foreign
24 Office spokesman dated August 9, 1937, relative to the
25 movement of Chinese Central Army troops north.

1 THE PRESIDENT: Brigadier Nolan.

2 BRIGADIER NOLAN: It is submitted, sir, that
3 this document is open to precisely the same objections
4 which were urged against the immediately preceding
5 document which was rejected.

6 MR. LEVIN: I would make the same observations
7 in relation to this document as I did to the previous
8 one.

9 THE PRESIDENT: I repeat the Tribunal's
10 comments. It is another document in English in the
11 Japanese Foreign Office. The objection is upheld and
12 the document rejected.

13 MR. LEVIN: I offer in evidence defense
14 document No. 1119 which is a comment of the Foreign
15 Office authorities on the Chinese reply with reference
16 to settlement of the difficulties existing in North
17 China.

18 THE PRESIDENT: Apparently there is no
19 objection this time.

20 Brigadier Nolan.

21 BRIGADIER NOLAN: May I ask the indulgence of
22 the Tribunal for a moment?

23 MR. LEVIN: It seems that this document was
24 not served, Mr. President, and therefore I will with-
25 draw the offer at this time.

1 I desire to offer in evidence defense
2 document No. 331 which is an address at the 72d
3 session of the Diet by Minister of Foreign Affairs
4 HIROTA delivered September 5, 1937, which is a review
5 of developments since the North China Affair and
6 gives the official position of the Japanese Govern-
7 ment. I shall read beginning with the first paragraph
8 on page 4.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document No.
11 331 will receive exhibit No. 2502.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 2502 and received in evidence.)

15 MR. LEVIN: That is in the middle of the
16 page, page 4:

17 "As for North China, in wilful disregard of
18 the various pledges and agreements, Chinese Central
19 Armies were moved northward to indulge in a series of
20 provocative actions and large forces began to pour
21 into the province of Chahar. Our Government, therefore,
22 have had to take determined steps to meet the situation.

23 "Thus hostilities have now spread from North
24 to Central China, and Japan finds herself engaged in
25 a major conflict with China on extended fields. I am

1 deeply pained to say that some 50,000 Japanese resi-
2 dents in various parts of China have been forced to
3 evacuate, leaving behind them their huge rights and
4 interests, while not a few of them have been made
5 victims of hostilities. It is also to be regretted
6 that nationals of third countries in China are being
7 subjected to similar trials and tribulations. All
8 this is due to no other cause than that the Nanking
9 Government and also the local militarist regimes in
10 China have for many years past deliberately under-
11 taken to incite public opinion against Japan as a
12 means of strengthening their own political powers,
13 and in collusion with Communist elements they have
14 still further impaired Sino-Japanese relations. Now
15 our loyal and valiant soldiers, with the united support
16 of the nation behind them, are engaged in strenuous
17 campaigns night and day amid indescribable hardships
18 and privations. We cannot but be moved to hear of
19 their heroic sacrifices as well as their brilliant
20 achievements.

21 "It is hardly necessary to say that the basic
22 policy of the Japanese Government aims at the stabiliza-
23 tion of East Asia through conciliation and cooperation
24 between Japan, Manchukuo, and China for their common
25 prosperity and well-being. Since China, ignoring our

1 true motive, has mobilized her vast armies against
2 us, we can do no other than counter if by force of
3 arms. The urgent need at this moment is that we take
4 a resolute attitude and compel China to mend her ways.
5 Japan has no other objective than to see a happy and
6 tranquil North China, and all China freed from the
7 danger of a recurrence of such calamitous hostilities
8 as the present, and Sino-Japanese relations so adjusted
9 as will enable us to put into practice our above-
10 mentioned policy. Let us hope that the statesmen of
11 China will be brought to take a broad view of East
12 Asia; that they will speedily realize their mistakes;
13 and that turning over a new leaf, they will act in
14 unison with the high aim and aspirations of Japan!"

15 I desire to offer in evidence defense docu-
16 ment No. 349, being the address of Prime Minister
17 KONOYE at the 72d session of the Imperial Diet on
18 September 5, 1937.

19 CLERK OF THE COURT: We have the original
20 but we have no processed copy.

21 MR. LEVIN: That is an error.

22 Mr. President, I am advised that through
23 some difficulties this document has been mislaid or
24 something and I withdraw the offer.

25 I offer in evidence defense document No. 1124,

1 being Premier KONOYE's administrative address at the
2 71st session of the Diet on July 27, 1937.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: Your Honor, the prosecution
5 objects to the admission of this document as being
6 irrelevant. Having regard to previous rulings of the
7 Tribunal we did not object to the last one on the
8 ground that it was a speech made by one of the accused,
9 but in our submission a speech by another member of
10 the government, including the Prime Minister, who is
11 not an accused, although it may be used by the prosecu-
12 tion if it thinks fit as evidence containing an admis-
13 sion from a co-conspirator, cannot in our submission
14 be used on the part of the defense.

15 MR. LEVIN: Mr. President, it seems to me
16 that there can be no higher type of evidence than the
17 statement of the Premier of the Japanese Government.
18 I don't quite understand the argument of learned
19 counsel to the effect that the statement of a high
20 government official is only admissible if he is one
21 of the accused.

22 THE PRESIDENT: Only about three lines of the
23 whole is relevant; that is, the first three lines on
24 page 2. How much do you propose to read if it is
25 admitted?

1 MR. LEVIN: I had intended to read the
2 entire document, Mr. President, but it seems to us,
3 as I said before, that the statement of the Prime
4 Minister would be of the highest value.

5 THE PRESIDENT: Only if relevant and
6 material, and I can see no other part that is
7 relevant and material except the part I indicated
8 and that, as I am reminded, is repetitive.

9 By a majority the Court upholds the objection
10 and rejects the document.

11 MR. LEVIN: I now offer in evidence
12 defense document No. 1117 which is--

13 THE PRESIDENT: Mr. Levin, will you excuse
14 me a minute?

15 This is a problem presented by these docu-
16 ments that we have been rejecting. When and for what
17 purpose were all these documents prepared by the
18 Japanese Foreign Office in English? They appear to
19 comprise a day-to-day statement of the Japanese version
20 of the China Incident. Can you give any explanation?

21 MR. LEVIN: I cannot make the explanation,
22 Mr. President, but Dr. KANZAKI will make the explana-
23 tion tomorrow -- Monday, instead of tomorrow.
24
25

1 I now offer in evidence defense document
2 No. 1117, which is a statement of the Minister for
3 Foreign Affairs to the Press on September 2, 1937.

4 THE PRESIDENT: Mr. Comyns Carr.

5 MR. COMYNS CARR: Your Honor, as the
6 Minister for Foreign Affairs on the date in question
7 was the accused HIROTA, I imagine that previous
8 rulings of the Tribunal would apply to it and the
9 Tribunal would admit it, as they have done with similar
10 documents; otherwise, I would submit it is irrelevant,

11 THE PRESIDENT: No matter who made it, it
12 must be relevant and material to be admitted. Parts
13 of it, at least, seem to be admissible according to
14 the treatment of other documents.

15 MR. COMYNS CARR: Your Honor, as far as I
16 can see it is merely a restatement of the Japanese
17 position with respect to these matters, which we have
18 heard over and over again.

19 THE PRESIDENT: By a majority, the Court
20 disallows the objection and admits the document on
21 the usual terms.

22 CLERK OF THE COURT: Defense document 1117
23 will receive exhibit No. 2503.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 2503 and was received in evidence.)

MR. LEVIN (Reading):

"Since my appointment as Foreign Minister in the KONOYE Cabinet, I have been looking forward to the pleasure of meeting you. I am, therefore, genuinely delighted to have this opportunity of discussing, freely and frankly, questions of the day with you. As I am fairly well acquainted with most of you, I hardly need, I think, to explain to you again what are my cherished hopes and aspirations, except to say that the policy of 'concord and cooperation with all nations does still remain with me as the guiding principle in conducting the foreign relations of my country.

"There has developed between Japan and China a situation which is indeed very regrettable. I shall not touch upon the origin and development of the present incident which you all know so well. I wish only to emphasize here the high degree of patience and forbearance with which the Japanese Government have consistently been striving to bring about a peaceful settlement. At the time of the Lukouchiao affair, our Government, hoping to the last to reach a pacific solution, through a local settlement, did everything possible to prevent the

1 aggravation of the situation, in spite of the re-
2 peated bad faith of the Chinese. The Nanking Govern-
3 ment, which manifested a complete lack of sincerity,
4 not only rejected the agreement arrived at on the
5 spot, but also moved vast armies northward, challeng-
6 ing Japan directly. Moreover, they incited and in-
7 stigated popular feeling against this country to such
8 an extent that the lives and property of our nationals
9 throughout China were suddenly jeopardized.

10 "As the conflict began to spread, we lost
11 no time in ordering the evacuation of Japanese
12 residents from Hankow and other points on the Yantze
13 as well as from various places in Shantung and South
14 China. This measure was taken with a view to fore-
15 stalling the occurrence of any untoward incidents,
16 and this, more than anything else, demonstrated
17 powerfully our sincerity in observing the avowed
18 policy of nonaggravation. Of course, this measure
19 involved untold sacrifices on our part, as it amounted
20 to a complete abandonment of business interests ac-
21 quired after many years of arduous toil by our
22 nationals; however, we decided to bear even these
23 for the purpose of avoiding the aggravation of the
24 situation.

25 "Again, when on July 11, the Cabinet decided

1 on dispatching contingents in view of the North China
2 situation which was growing worse every moment, we
3 still clung to the anticipation of bringing about an
4 amicable solution, and continued to nourish the hopes
5 that the Nanking Government would reconsider their
6 attitude. Thus, to the last moment we sought and
7 strove for a pacific settlement, firmly determined
8 as we were to prevent an armed clash. And we took
9 exactly the same attitude in regard to the Shanghai
10 affair.

11 "In some quarters abroad, people seem to
12 be under the erroneous impression that at Shanghai,
13 Japan was retaliating for the murder of an officer
14 and a sailor of her Naval Landing Party by the Chinese
15 Peace Preservation Corps. Nothing could be further
16 from the truth. Of course, China was entirely to
17 blame for the shooting of our marines, but our Govern-
18 ment, with the greatest self-restraint, endeavored
19 to reach an amicable local settlement through diplo-
20 matic channels. The hostilities broke out in Shanghai
21 because China, in violation of the Agreement for the
22 Cessation of Hostilities around Shanghai concluded in
23 1932, rushed her regular troops into the forbidden
24 area, and strengthened her Peace Preservation Corps
25 both in number and equipment, and then deliberately

1 provoked the Japanese. Our Government firmly believe
2 that, as the first prerequisite, those Chinese forces
3 should be made to withdraw from the fighting area and
4 the Chinese military works in the vicinity of the
5 International Settlement should be removed, if the
6 city is to be spared the disastrous effects of an
7 armed conflict. In other words, foreign lives and
8 properties in Shanghai are menaced not by the small
9 Japanese forces defending the Settlement, but, rather,
10 by the Chinese armies which, relying upon their
11 vastly superior numbers, undertake the offensive
12 against the Japanese. In fact, in our desire to
13 maintain peace and security in and around Shanghai,
14 we were giving favorable consideration to the proposal
15 of the Powers to preserve these regions from the
16 danger of hostilities when the Chinese launched a
17 sudden attack upon the International Settlement, our
18 Consulate-General, and our warships on the Whampoo,
19 bombing them indiscriminately from the air -- and our
20 forces were compelled to return the fire for the
21 defense of our nationals, numbering more than 30,000
22 in the city.

23 "Both in North China and at Shanghai, it
24 was without question unwarranted Chinese provocations
25 that precipitated the hostilities. The fundamental

1 provoked the Japanese. Our Government firmly believe
2 that, as the first prerequisite, those Chinese forces
3 should be made to withdraw from the fighting area and
4 the Chinese military works in the vicinity of the
5 International Settlement should be removed, if the
6 city is to be spared the disastrous effects of an
7 armed conflict. In other words, foreign lives and
8 properties in Shanghai are menaced not by the small
9 Japanese forces defending the Settlement, but, rather,
10 by the Chinese armies which, relying upon their
11 vastly superior numbers, undertake the offensive
12 against the Japanese. In fact, in our desire to
13 maintain peace and security in and around Shanghai,
14 we were giving favorable consideration to the proposal
15 of the Powers to preserve these regions from the
16 danger of hostilities when the Chinese launched a
17 sudden attack upon the International Settlement, our
18 Consulate-General, and our warships on the Whampoo,
19 bombing them indiscriminately from the air -- and our
20 forces were compelled to return the fire for the
21 defense of our nationals, numbering more than 30,000
22 in the city.

23 "Both in North China and at Shanghai, it
24 was without question unwarranted Chinese provocations
25 that precipitated the hostilities. The fundamental

causes lay in the fact that the leaders of present-day China have long fostered anti-Japanism as a tool for political purposes, exploiting diplomatic issues to enhance their prestige; and to that end they have, through collusion with Communists, openly and energetically prepared for a war with Japan. The Sino-Soviet nonaggression pact concluded a few days ago is of special significance in this regard. To this, Japan as a bulwark against Communist encroachment upon East Asia, cannot afford to remain indifferent.

"A Major conflict is now in progress between Japan and China, despite our earnest efforts to avert it. However, striving as our armies are for the protection of our legitimate rights and interests and for the attainment of an enduring peace in East Asia, the Japanese Government are prepared as ever to recall their expeditionary forces and join hands with China in friendship, the moment the Chinese Government demonstrate their sincerity in reconsidering and rectifying their attitude toward Japan. But, in view of the fact that the Japanese people cannot tolerate the recurrence of such deplorable affairs, and with the situation already assuming the serious proportions it has, we are firmly determined to pursue our declared policy until the possibility becomes ripe

1 for a fundamental settlement.

2 "Japan and China are, after all, neighbors
3 and old friends. It should not be such a difficult
4 task to realize the ideal of mutual prosperity and
5 well-being. In the interests of the peace of East
6 Asia and of the world, I cannot conceal my fervent
7 hope that the Chinese Government will reconsider the
8 policy they have pursued up till now vis-a-vis Japan.

9 "As regards the rights and interests of
10 third Powers, I can assure you that they will be
11 fully respected by Japan. Our Government are giving
12 careful consideration to the matter of safeguarding
13 them. At the same time, in order that peace may be
14 restored as soon as possible, the Powers are invited
15 to cooperate with Japan by refraining from any
16 action which would be likely to prolong the present
17 hostilities. I deeply regret to hear that the victims
18 of the conflict included many foreign residents.

19 "Since the press have an important role to
20 play in promoting international understanding and good
21 will, especially in such a critical situation as is
22 now prevailing, I wish, ladies and gentlemen of the
23 Press, to appeal to you for your whole-hearted co-
24 operation."

25 THE PRESIDENT: We will recess for fifteen

minutes.

(Whereupon, at 1445, a recess
was taken until 1500, after which the
proceedings were resumed as follows:)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

W
o
l
f
&
M
o
r
s
c

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Levin.

4 MR. LEVIN: Mr. President, I had begun the
5 offer of defense document 349 and because the copies
6 for the Tribunal were not available at that time I
7 withdrew the offer. At this time I desire to offer
8 in evidence defense document 349 which is an address
9 of Prime Minister KONOYE at the 72nd session of the
10 Imperial Diet on September 5, 1935, which states the
11 position of the government.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. LEVIN: It is a statement of policy of
14 the Japanese Government since the outbreak of the
15 affair in North China. If received in evidence we
16 intend to begin at paragraph 2 of the document.

17 MR. COMYNS CARR: Your Honor, we object to
18 this document on the same grounds on which I already
19 objected successfully to a speech by Prime Minister
20 KONOYE and on the further ground that it is merely a
21 restatement of the policy of the Japanese Government
22 of which we have had a number, and in so far as it
23 contains allegations of fact the findings of the
24 Tribunal on those facts will depend on the direct
25 testimony which has been given with regard to them

1 on both sides and cannot be assisted by the fact that
2 Premier KONOYE repeated the Japanese version of them.

3 MR. LEVIN: A statement of policy by the
4 Prime Minister of a government does not necessarily
5 have to be a statement of facts. It is a discussion
6 of the purposes of the government and no one is in a
7 better position to make such a statement than the
8 prime minister of the government.

9 THE PRESIDENT: By a majority the Court
10 upholds the objection and rejects the document.

11 MR. LEVIN: Mr. President, Dr. KANZAKI
12 will present additional evidence.

13 THE PRESIDENT: Dr. KANZAKI.

14 DR. KANZAKI: Due to the fact that transla-
15 tions have not been prepared, I shall take Mr. Levin's
16 place and offer some documents in evidence.

17 I should like to offer in evidence defense
18 document No. 1166. This is a communique issued by
19 the Headquarters of the Japanese Garrison in China
20 at 1:30 p.m. on the 8th of July 1937 to the effect
21 that although the leading officers of the Chinese
22 29th Army were desirous of concluding peace their
23 subordinate officers were opposed to peace and were
24 still offering resistance against the Japanese Army.

25 THE MONITOR: 8th should read the 15th of July.

1 THE PRESIDENT: 9th according to the docu-
2 ment.

3 DR. KANZAKI: I am sorry; it is the 9th of
4 July.

5 The statement contains facts exactly as
6 they were at the time of the outbreak of the Incident.
7 In offering this evidence it is my submission that the
8 document is surely admissible.

9 THE PRESIDENT: Brigadier Nolan.

10 BRIGADIER NOLAN: May it please the Tribunal,
11 we object to document 1166; It is no more than the
12 usual press release with which this Tribunal has already
13 dealt on a number of occasions.

14 THE PRESIDENT: By a majority the objection
15 is upheld and the document rejected.

16 DR. KANZAKI: I now offer in evidence defense
17 document No. 1167. This document is offered in order
18 to prove the fact that upon the outbreak of the
19 Lukuechia Incident the Nanking Government effected
20 a large scale mobilization of its army.

21 THE PRESIDENT: Brigadier Nolan.

22 BRIGADIER NOLAN: In the submission of the
23 prosecution, this document proves nothing except that
24 it was a statement which appeared in a Japanese news-
25 paper. It is based upon rumor as is made clear by the

1 first two words in the fifth line of the document.

2 THE PRESIDENT: Have you anything to say,
3 Doctor?

4 DR. KANZAKI: We counsel for the defense
5 would like to do everything in our power to present
6 to the Tribunal the original documents, and every
7 effort has been made and is being made to that end.
8 However, in view of the fact many large cities of Japan
9 were destroyed and razed to the ground by fire, many
10 of these documents were destroyed and as a result are
11 very difficult to find or obtain, and as the only
12 alternative we have reproduced these documents from
13 statements as they were contained in magazines, news-
14 papers and books.

15 THE PRESIDENT: The official telegram might
16 have been from a commander in the field. We do not
17 know. As regards Chinese Army movements, he must
18 necessarily act on his own intelligence corps.

19 The Court upholds the objection and rejects
20 the document.

21 DR. KANZAKI: Next I should like to offer
22 for identification a book entitled "China Memoires,
23 Continued."

24 THE PRESIDENT: For identification only?

25 DR. KANZAKI: That is all. Only for

1 identification, sir.

2 CLERK OF THE COURT: Defense document No.
3 1168 will receive exhibit No. 2504 for identification
4 only.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 2504 for identification.)

8 DR. KANZAKI: I shall offer in evidence an
9 excerpt from this exhibit submitted for identification,
10 namely, 2504. This is defense document 1168. In
11 this connection too, because of the fact that the
12 original has been -- was destroyed and is unavailable,
13 we are reproducing it from a book. This document is
14 offered to explain the actions which were taken by
15 the Japanese Army as a result of the outbreak of the
16 Lukuoohiao Incident and to set forth what counter-
17 actions the Chinese side was taking.

18 THE PRESIDENT: Brigadier Nolan.

19 BRIGADIER NOLAN: May it please the Tribunal,
20 If this document were in another form it would be
21 objected to upon the same grounds as document 1166
22 which was rejected by the Court. The fact that it is
23 an excerpt from a book places it in no stronger
24 position and we object to its reception.

25 THE PRESIDENT: Well, what have you to say,

Counselloer?

1 DR. KANZAKI: I should like to leave the
2 metter up to the good judgment of the Tribunal.

3 THE PRESIDENT: It stands or falls with the
4 others. The objection is upheld and the document
5 is rejected.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 DR. KANZAKI: I offer in evidence defense
2 document No. 1169, which is an excerpt from exhibit
3 2504. The original being unobtainable for reasons
4 which I have already explained, it has also been
5 extracted from this book. It is a communique issued
6 by the War Ministry on the 11th of July 1937 as it
7 was issued. It also contains a full text of an
8 agreement which was concluded on the 11th of July
9 between Colonel MATSUI, Takuro and the representatives
10 of the Chinese 29th Army, Chang Tsu-chung and Chang
11 Yun-jung.

12 THE PRESIDENT: Brigadier Nolan.

13 BRIGADIER NOLAN: If it please the Tribunal,
14 we object to this document. It is in precisely the
15 same position as the immediately preceding document.

16 THE PRESIDENT: The objection is upheld and
17 the document rejected.

18 DR. KANZAKI: I next offer in evidence
19 defense document No. 1170. This is a notification
20 to the Chinese 29th Army from the Japanese side. It
21 contains the intentions of the Japanese side and
22 reproaches the Chinese side for non-observance of the
23 agreement. Far from being Japanese propaganda this
24 document is a notification directed towards the
25 Chinese authorities for their failure to observe the

1 agreement. I feel that this document should be
2 admitted by this Court.

3 THE PRESIDENT: Brigadier Nolan.

4 BRIGADIER NOLAN: I object to it, sir, on
5 the usual grounds.

6 THE PRESIDENT: The objection is upheld
7 and the document rejected.

8 DR. KANZAKI: Mr. President, this concludes
9 Subdivision I of the China phase and the next sub-
10 division, II, will be in the hands of Mr. Cunningham.

11 THE PRESIDENT: Mr. Cunningham.

12 MR. CUNNINGHAM: Mr. President and Members
13 of the Tribunal, I should like to mention first
14 that I would not like to have it understood, merely
15 because I am presenting a phase of the China Division
16 of the case, that the man whom I represent is in
17 any way involved in that section of the case. But,
18 at this time I wish to present evidence which supports
19 the second Subdivision of the opening statement as
20 read by Mr. Lazarus at the opening of the China
21 phase of the case for the defense.

22 The evidence to be introduced in this
23 division is divided into three sections. First
24 covers the matter of boycott; second, the development
25 of anti-Japanese feeling in China; third, the effect

1 of the spread of communism upon the Sino-Japanese
2 relations. These three elements have contributed
3 greatly to the series of conflicts which have
4 characterized the relationship of Japan and China
5 over the period of 27 years.

6 As a foundation for the documentation which
7 will be introduced to support Japanese contentions
8 regarding the effect of boycott upon the general
9 situation, we now offer to read Chapter VII on
10 Japan's economic interests and the China Boycott, from
11 pages 112 to 121 of the Lytton Report, exhibit 57
12 of the prosecution. The reading of this data will
13 save considerable time in presenting individual documents
14 supporting our conclusions.

15 I now turn to Chapter VII of the Lytton
16 Report on page 112 of the English translation entitled
17 "Japan's economic interests and the China Boycott."

18 (Reading):

19 "Chinese boycott of Japanese goods an
20 important factor in Sino-Japanese struggle.

21 "The three preceding chapters"--

22 THE PRESIDENT: Mr. Tavenner.

23 MR. TAVENNER: If your Honor please, if I
24 understood counsel properly, he desires to read this
25 section in order to show matters that were not

1 considered by the Lytton Commission. I would
2 certainly think that the proper way would be by
3 presenting such evidence as they contend was not
4 considered rather than to read the report. The
5 Tribunal has the report before it, and, if evidence
6 is offered which shows on its face that it was not
7 considered, when compared with the report, that
8 would seem to be the proper way to do it.

9 THE PRESIDENT: I thought the defense were
10 relying on the facts found by the Commission in
11 respect of the boycott. If so, they can read this
12 into the transcript as you read other parts into the
13 transcript on behalf of the prosecution.

14 MR. TAVENNER: I was not objecting to the
15 reading of the report for anything that they desire
16 to show that is contained in the report.

17 THE PRESIDENT: Well, they rely on it; let
18 them read it.

19 MR. CUNNINGHAM: I might say that this is
20 one part of the Lytton Report which we consider as
21 favorable to the contentions of the defense on this
22 particular proposition.

23 THE PRESIDENT: Read it, Mr. Cunningham.
24
25

"The three preceding chapters have been chiefly confined to a description of military and political events since September 18th, 1931. No survey of the Sino-Japanese conflict would be accurate or complete without some account of another important factor in the struggle -- namely, the Chinese boycott of Japanese goods. To understand the methods employed in this boycott movement and their effect on Japanese trade, some indication must be given of the general economic position of Japan, of her economic and financial interests in China, and of the foreign trade of China. This is also necessary to understand the extent and character of the economic interests of both China and Japan in Manchuria, which will be discussed in the next chapter.

"Japan's over-population.

"During the Meiji Restoration period in the sixties of the last century, Japan emerged from her isolation of over two centuries, and within less than fifty years developed into a world Power of the first rank. A population formerly almost stationary started to grow rapidly from 33,000,000 in 1872 until it reached a figure of 65,000,000 in 1930; and this tremendous growth still continues at the rate of about 900,000 per year.

"The population of Japan compared with its total surface is approximately 437 persons per square mile, as against about 41 in the United States, 330 in Germany, 349 in Italy, 468 in the United Kingdom, 670 in Belgium and 254 in China.

"Comparing the population of Japan per square mile of arable land with that of other countries, the ratio for Japan is exceptionally high, due to the particular geographical formation of the Island Empire:

Japan	2,774
The United Kingdom	2,170
Belgium	1,709
Italy	1,819
Germany	806
France	467
United States of America	229

"Due to a highly concentrated population on agricultural land, the individual holdings are exceedingly small, 35 per cent of the farmers tilling less than one acre and 34 per cent less than two and a half acres. The expansion limit of tillable land has been reached, as has also the limit of cultivation intensity -- in short, the soil of Japan cannot be

1 expected to produce much more than it does today, nor
2 can it provide much additional employment.

3 "Agrarian difficulties.

4 "Moreover, as a result of intensive culti-
5 vation and the widespread use of fertilisers, the
6 cost of production is high.

7 "The price of land is far higher than in any
8 other part of Asia, and even in the most overcrowded
9 parts of Europe. Much discontent seems to exist
10 amongst the heavily indebted population, and con-
11 flicts between tenants and landowners are on the
12 increase. Emigration has been considered a possible
13 remedy, but, for reasons dealt with in the next
14 chapter, it has not, up to the present time, proved
15 to be a solution.

16 "Japan at first turned to industrialism to
17 foster the growth of an urban population which would
18 both provide a home market for agricultural products
19 and turn labour to the production of goods for do-
20 mestic and foreign use. Several changes have occurred
21 since that time. Where, formerly, Japan was more
22 than self-sufficing from the point of view of food
23 supply, of recent years from 8 to 15 per cent of its
24 total imports have been foodstuffs, the fluctuation
25 being due to the varying conditions of the home crops,

1 principally rice. The importation of foodstuffs,
2 and the probably increasing need of these imports,
3 necessitate an attempt to offset the country's al-
4 ready unfavourable trade balance by an increase in
5 exports of industrial products.

6 "Need for further industrialization.

7 "If Japan is to find employment for her
8 increasing population through the process of further
9 industrialisation, the development of her export
10 trade and of foreign markets capable of absorbing an
11 increasing amount of her manufactured and semi-manu-
12 factured goods becomes more and more essential.

13 Such markets would, at the same time, serve as a
14 source of supply of raw materials and of foodstuffs.

15 "China a market for Japanese export trade.

16 "Japanese export trade, as hitherto developed,
17 has two main directions: her luxury product, raw
18 silk, goes to the United States of America and her
19 staple manufactures, chiefly cotton textiles, go to
20 the countries of Asia, the United States taking
21 42.5 per cent of her exports and the Asia market as
22 a whole taking 42.6 per cent. Of this latter trade,
23 China, the Kwantung Leased Territory and Hong Kong
24 take 24.7 per cent, and a large share of the re-
25 mainder is handled by Chinese merchants in other

parts of Asia.

"During 1930, the last year for which complete figures are available, the total exports of Japan amounted to 1,469,852,000 Yen, and her imports to 1,546,071,000 Yen. Of the exports, 260,826,000 Yen, or 17.7 per cent, went to China (excluding the Kwantung Leased Territory and Hong Kong), while, of the imports, 161,667,000 Yen or 10.4 per cent, came from China (excluding the Kwantung Leased Territory and Hong Kong).

1 "Analysing the principal commodities ex-
2 ported by Japan to China, it will be found that
3 China takes 32.8 per cent of all aquatic products
4 exported by Japan; 84.6 per cent of refined sugar;
5 75.1 per cent of coal and 31.9 per cent of cotton
6 tissues, or an average of 51.6 per cent.

7 "The same analysis applied to the commodi-
8 ties imported from China shows that 24.5 per cent
9 of the total amount of beans and peas imported by
10 Japan comes from China; 53 per cent of the oil-cake;
11 and 25 per cent of vegetable fibres; or an average
12 of 34.5 per cent.

13 "As these figures are for China only, ex-
14 cluding Hong-Kong and the Kwantung Leased Terri-
15 tory, they do not indicate the extent of Japanese
16 trade with Manchuria, which passes mainly through
17 the port of Dairen.

18 "Importance of Sino-Japanese trade relations.

19 "The facts and figures just given clearly
20 show the importance to Japan of her trade with
21 China. Nor is Japan's interest in China limited to
22 trade alone; she has a considerable amount of capital
23 invested in industrial enterprises, as well as in
24 railways, shipping and banking, and, in all of these
25 branches of financial and economic activity, the

1 general trend of development has been increasing
2 considerably during the last three decades.

3 "Japanese investments in China.

4 "In 1898, the only Japanese investment of
5 any consequence was a small cotton gin in Shanghai
6 owned jointly with Chinese, representing a value of
7 about 100,000 taels. By 1913, the estimated total
8 of Japanese investments in China and Manchuria
9 amounted to 435,000,000 Yen out of a total of
10 535,000,000 Yen estimated investments abroad. By
11 the end of the "World War, Japan had more than doubled
12 her investments in China and Manchuria over those
13 of 1913. a considerable part of this increase being
14 due to the famous 'Nishihara loans', which had been
15 partially granted for political considerations.
16 Notwithstanding this setback, Japan's investments
17 in China and Manchuria in 1929 were estimated at
18 almost 2,000,000,000 Yen out of her total invest-
19 ments abroad of 2,100,000,000 Yen, showing that
20 Japan's investments abroad have been almost entirely
21 confined to China and Manchuria, the latter having
22 absorbed by far the greater part of this investment
23 (particularly in railways).
24
25

1 "Apart from these investments, China has
2 been indebted to Japan for various State, provincial
3 and municipal loans which, in 1925, were estimated
4 at a total of 304,000,000 Yen (the greater part
5 unsecured), plus 18,000,000 Yen interest. I will
6 drop the small figures.

7 "Although the bulk of Japan's investments
8 are in Manchuria, a considerable amount is invested
9 in industries, shipping and banking in China proper.
10 Nearly 50 per cent of the total number of spindles
11 operated in the spinning and weaving industry in
12 China in 1929 were owned by Japanese. Japan was
13 second in the carrying trade of China, and the
14 number of Japanese banks in China in 1932 is put at
15 thirty, a few of which are joint Sino-Japanese
16 enterprises.

17 "China's interests in the development of
18 trade with Japan.

19 "Although the foregoing figures are stated
20 from the standpoint of China. Foreign trade with
21 Japan has held first place in the total foreign
22 trade of China up to 1932. In 1930, 24.1 per cent
23 of her exports went to Japan, while in the same year
24 24.9 per cent of her imports came from Japan. This,
25 in comparison with the figures from Japan's stand-

1 point, shows that the trade of China with Japan is
2 a greater percentage of her total foreign trade
3 than is the trade of Japan with China of the total
4 foreign trade of Japan. But China has no investments,
5 banking or shipping interests in Japan. China re-
6 quires, above all else, to be able to export her
7 products in increasing quantities to enable her to
8 pay for the many finished products she needs and in
9 order to establish a sound basis of credit on which
10 to borrow the capital required for further develop-
11 ment.

12 "Sino-Japanese economic and financial
13 relations easily affected by any disturbing factor.

14 "From the foregoing, it is evident that
15 Sino-Japanese economic and financial relations are
16 both extensive and varied, and, consequently, easily
17 affected and disorganised by any disturbing factor.
18 It also appears that, in its entirety, Japanese
19 dependence on China is greater than China's depend-
20 ence on Japan. Hence Japan is the more vulnerable
21 and has more to lose in case of disturbed relations.

22 "It is therefore clear that the many politi-
23 cal disputes which have arisen between the two count-
24 ries since the Sino-Japanese war of 1895 have in turn
25 affected their mutual economic relations, and the

1 fact that, in spite of these disturbances, the trade
2 between them has continued to increase proves that
3 there is an underlying economic tie that no political
4 antagonism has been able to sever.

5 "Origin of boycott.

6 "For centuries the Chinese have been
7 familiar with boycott methods in the organization
8 of their merchants, bankers and craft guilds. These
9 guilds, although they are being modified to meet
10 modern conditions, still exist in large numbers
11 and exercise great power over their members in the
12 defence of their common professional interests. The
13 training and attitude acquired in the course of this
14 century-old guild life has been combined, in the
15 present-day boycott movement, with the recent fervent
16 nationalism of which the Kuomintang is the
17 organised expression.

18 "Modern anti-foreign boycotts.

19 "The era of modern anti-foreign boycotts employed
20 on a national basis as a political weapon
21 against a foreign Power (as distinct from a professional
22 instrument used by Chinese traders against each
23 other) can be said to have started in 1905, with a
24 boycott directed against the United States of America
25 because of a stipulation in the Sino-American Commerce-

1 ial Treaty, as renewed and revised in that year, re-
2 stricting more severely than before the entry of Chi-
3 nese into America. From that moment onward, until
4 today there have been ten distinct boycotts which can
5 be considered as national in scope (besides anti-
6 foreign movements of a local character), nine of
7 which were directed against Japan and one against
8 the United Kingdom.

1 "Causes of these boycott movements.

2 "If these boycotts are studied in detail,
3 it will be found that each of them can be traced
4 back to a definite fact, event, or incident,
5 generally of a political nature and interpreted by
6 China as directed against her material interests or
7 detriments to her national prestige. Thus, the boy-
8 cott of 1931 was started as a direct sequel to the
9 massacre of Koreans in July, following the Wanpaoshan
10 incident in June of that year, and has been accen-
11 tuated by the events at Mukden in September and at
12 Shanghai in January 1932. Each boycott has its own
13 immediately traceable cause, but none of the causes
14 in themselves would have initiated economic retalia-
15 tion on so extensive a scale had it not been for the
16 mass psychology described in Chapter I. The fac-
17 tors contributing to the creation of this psychology
18 are: a conviction of injustice (rightly or wrongly
19 considered as such), an inherited faith in Chinese
20 cultural superiority over foreigners, and a fervent
21 nationalism of a Western type mainly defensive in
22 aims but in which certain aggressive tendencies are
23 not lacking.

24 "Boycott movements before 1925.

25 "Although a Society for the Regeneration

1 of China (Fsing Chung Hui), which may be considered
2 the pregenitor of the Kuomintang, was founded as
3 far back as 1893, and although there can be no
4 doubt that all the boycotts from 1905 to 1925 were
5 launched with the war-cry of Nationalism, there is
6 no concrete evidence that the original nationalist
7 associations, and later the Kuomintang had a direct
8 hand in their organization.

9 "Inspired by Dr. Sun Yat-sen's new creed,
10 Chambers of Commerce and Student Unions were fully
11 capable of such a task, guided as they were by
12 century-old secret societies, guild experience and
13 guild mentality. The merchants furnished the tech-
14 nical knowledge, means of organization and rules
15 of procedure, while the students inspired the move-
16 ments with the enthusiasm of their newly acquired
17 convictions and their spirit of determination in
18 the national cause, and helped to put them into
19 operation. While the students were generally moved
20 by nationalistic feelings alone, the Chambers of
21 Commerce, though sharing those feelings, thought it
22 wise to participate from a desire to control the
23 operation of the boycott. The actual rules of the
24 earlier boycotts were designed to prevent the pur-
25 chase of the goods of the country against which the

1 movement was directed. Gradually, however, the
2 field of action was extended to a refusal to export
3 Chinese goods to the country concerned or to sell
4 or render services to its nationals in China.
5 Finally, the avowed purpose of the more recent
6 boycotts has become to sever completely all economic
7 relations with the 'enemy country.'

8 It should be pointed out that the rules
9 thus established were never carried out to the
10 fullest extent, for reasons which has been fully
11 dealt with in the special study annexed to this
12 Report. Generally speaking, the boycotts have al-
13 ways had more impetus in the South, where national-
14 istic feelings found their first and most fervent
15 adherents, than in the North, Shantung especially
16 having withheld support.

17 "Boycott movement since 1925. Action
18 of the Kuomintang Party.

19 "From 1925 onward, a definite change took
20 place in the boycott organization. The Kuomintang,
21 having from its creation supported the movement,
22 increased its control with each successive boycott
23 until today it is the real organizing, driving, co-
24 ordinating and supervising factor in these demon-
25 strations.

1 In doing this, the Kuomintang, as indica-
2 ted by evidence in the possession of the Commission,
3 did not dismiss the associations which had hitherto
4 been responsible for the direction of boycott move-
5 ments. It rather coordinated their efforts, syste-
6 matized and made uniform their methods, and put
7 unreservedly behind the movement the moral and
8 material weight of its powerful party organization.
9 Having branches all over the country, possessing
10 vast propaganda and information services, and in-
11 spired by a strong nationalistic sentiment, it rapid-
12 ly succeeded in organizing and stimulating a move-
13 ment which had, up to that time, been somewhat
14 sporadic. As a consequence, the coercive authority
15 of the organizers of the boycotts over the merchant
16 and the general public became stronger than ever
17 before, although at the same time a fair margin of
18 autonomy and initiative was left to the individual
19 boycott associations"

20 I will leave out the next paragraph and
21 skip to:

22 "An examination of the technique of the
23 methods employed shows that the atmosphere of popu-
24 lar sentiment without which no boycott could succeed
25 is created by a formidable propaganda uniformly

1 carried out all over the country, using slogans
2 well chosen to incite the popular mind against the
3 'enemy' country.

4 "In the present boycott directed against
5 Japan, which the Commission has seen in operation,
6 every available means was employed to impress upon
7 the people the patriotic duty of not buying Japanese
8 goods. The columns of the Chinese Press were filled
9 with propaganda of this kind; the walls of buildings
10 in the towns were covered with posters, often of
11 an extremely violent character; anti-Japanese slo-
12 gans were printed on currency notes, on letters and
13 telegram-forms; chain letters went from hand to
14 hand, etc. These examples are by no means exhaus-
15 tive, but serve to show the nature of the methods
16 employed. The fact that this propaganda does not
17 differ essentially from that used in certain coun-
18 tries of Europe and America during the "World War
19 1914-1918 only proves the degree of hostility towards
20 Japan which the Chinese have come to feel as a result
21 of the political tension between the two countries.

22 "Boycott rules adopted by Anti-Japanese
23 Associations.

24 "Essential as the political atmosphere of
25 a boycott may be to its ultimate success, neverthe-

1 less no such movement could be effective if the
2 boycott associations had not secured a certain
3 uniformity in their rules of procedure. The four
4 general principles adopted at the first meeting of
5 the Shanghai Anti-Japanese Association held on
6 July 17th, 1931, may serve as an illustration of
7 the main objects aimed at by these rules. They
8 were:

9 "(a) To withdraw the orders for Japanese
10 goods already ordered;

11 "(b) To stop shipment of Japanese goods
12 already ordered but not yet consigned;

13 "(c) To refuse to accept Japanese goods
14 already in the godowns but not yet paid for;

15 "(d) To register with the Anti-Japanese
16 Association Japanese goods already purchased and to
17 suspend temporarily the selling of these goods.
18 The procedure of registration will be separately
19 decided upon.

20 "Subsequent resolutions adopted by the same
21 Association are much more detailed and contain pro-
22 visions for all possible cases and eventualities."

23 THE PRESIDENT: I think that is a conven-
24 ient break, Mr. Cunningham.

25 MR. CUNNINGHAM: I beg pardon?

1 THE PRESIDENT: I think that is a conven-
2 ient break.

3 We will adjourn until half-past nine on
4 Monday morning.

5 (Whereupon, at 1600 hours, an adjourn-
6 ment was taken until Monday, 28 April, at
7 0930.)

8 - - - -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25